

State of California
Department of Industrial Relations



FFY 2023

State OSHA Annual Report (SOAR)



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Executive Summary

This annual report highlights Cal/OSHA's progress in realizing its strategic vision to be a model agency dedicated to ensuring workplace safety and health. As the administrator of the nation's largest state OSHA plan, Cal/OSHA actively works towards achieving its strategic goals by setting and enforcing workplace standards, supported by proactive outreach and assistance efforts to protect workers in California.

Cal/OSHA's role is to promote workplace safety and health by: enforcing safety and health regulations; providing compliance assistance through free consultation support to employers; offering targeted outreach, education and training for workers, especially vulnerable workers; and increasing awareness and engagement of both employers and employees regarding 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 outreach encouraging voluntary compliance. Partnership and cooperative programs leverage Cal/OSHA's resources.

In accordance with the Government Performance and Results Act (GPRA) requirements, California developed a five-year Strategic Plan covering federal fiscal years 2019 through 2023. The five-year Strategic Plan incorporated the three national OSHA goals as its direction. The three overall strategic goals are as follows:

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) 2023 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2023 Performance Plan included specific performance goals designed to produce measurable progress toward realizing Cal/OSHA's strategic goals. Performance goals included:

- Reducing fatalities and occupational injuries and illnesses in construction, agriculture, and tree trimming.
- Reducing injuries, illnesses, and fatalities in selected high-hazard industries to make removals 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.
- Creating a short video presentation and social media content 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 reports of work-related fatalities, 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 workforce.
- Enhancing communication with industry, labor, and professional safety and health organizations.

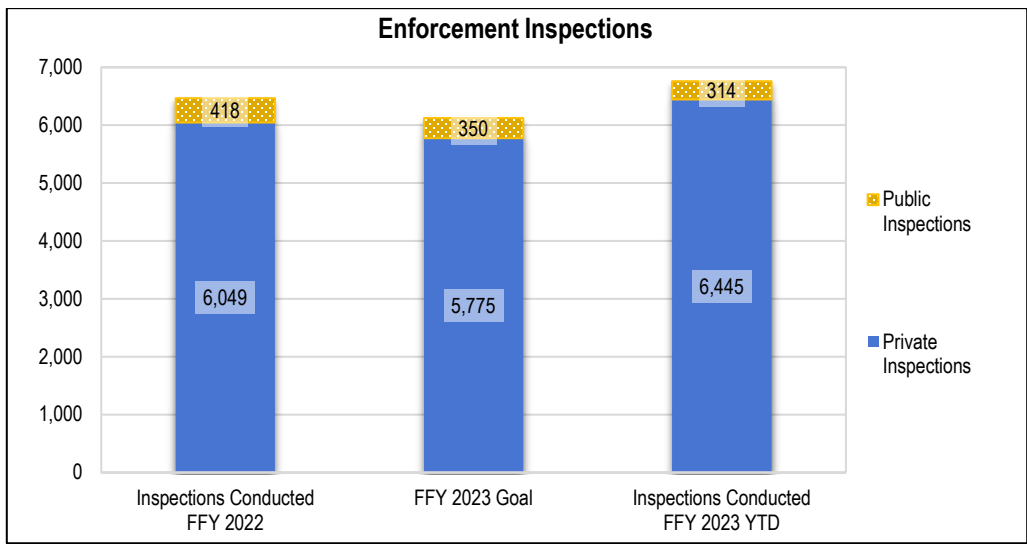
This annual report reflects California's integrated approach to achieving the goals of the five-year Strategic Plan. Cal/OSHA Enforcement programmed and self-referral activities, complemented by strategically targeted onsite compliance assistance, have continued to be coordinated to ensure the greatest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

FFY 2023 Accomplishments

Enforcement Branch Activities

Cal/OSHA Enforcement opened 6,759 inspections this federal fiscal year, an increase of 5% over the amount reported on Cal/OSHA’s prior SOAR for FFY 2022.¹ Cal/OSHA surpassed its goal of 6,125 private and public sector inspections combined.

Of the total inspections conducted, 6,445 were private industry inspections and 314 were public sector inspections. During this time, Cal/OSHA identified approximately 14,010 hazards, potentially affecting the estimated 1.4 million workers employed at these establishments. Of the hazards identified, 2,923 resulted in serious, 26 resulted in willful, and 117 in repeat citations. Eleven resulted in failure-to-abate penalties.²



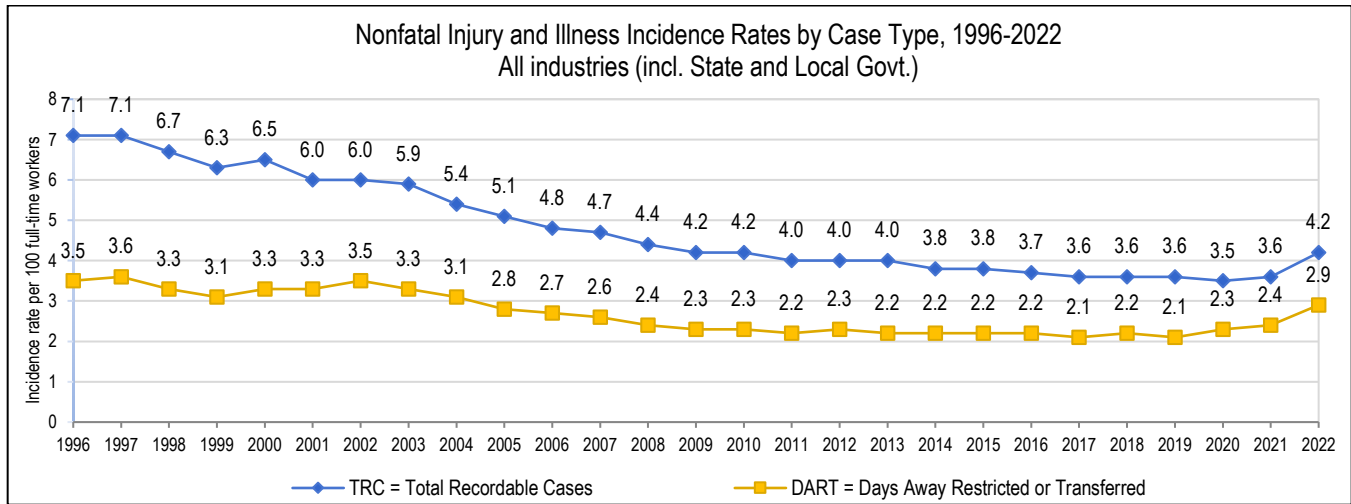
To meet performance plan goals requirements, Cal/OSHA Enforcement district offices underwent an audit of their case files commencing February 2023. The DIR Internal Audit Unit conducted a broad-based examination of both inspection files and letter investigations, analyzing various attributes from each case file for completeness and accuracy. In November 2023, the DIR Audit Unit issued their report findings which outlined key areas for improvement, including completion of case files, timely response to complaints, timely issuance of citations, and completion of internal audits. Cal/OSHA will review the findings of this audit closely and continue to work with the DIR Audit unit to implement their recommendations.

Injuries, Illnesses, and Fatalities

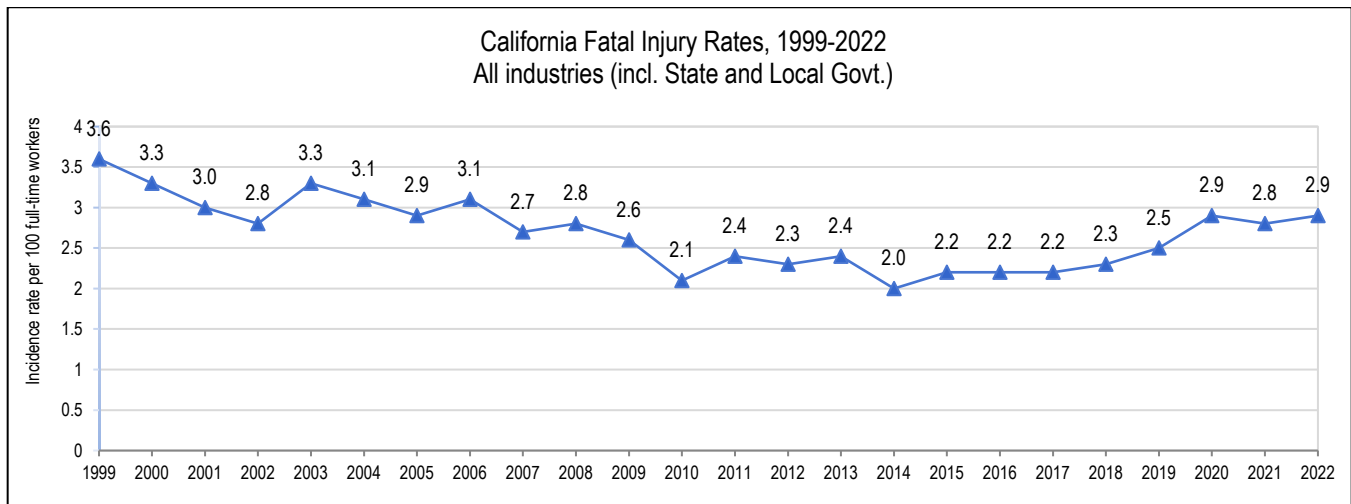
Cal/OSHA believes its combined enforcement and educational efforts have contributed to a gradual long- term decrease in California’s nonfatal on-the-job total recordable case (TRC) injury and illness incidence rate. In recent years, this trend seemed to plateau, with an average rate of 3.6

¹ FFY 2022 data as reflected by the OIS Inspection Summary report dated December 6, 2023.
² FFY 2023 data as reflected by the OIS Inspection Summary report dated December 6, 2023.

rate per 100 full-time employees from calendar year (CY) 2017 through 2021.³ However, the latest data for CY 2022 indicates a shift, revealing an increase in the TRC incidence rate to 4.2 per 100 full-time employees. This marks the first time the rate has surpassed a rate of 4.0 since 2013. Notably, as post-pandemic TRC data becomes available, this increase underscores the lasting impact of the pandemic. Cal/OSHA will continue to monitor the post-pandemic TRC rate in the coming years to assess trends and implications.



As reported by the Census of Fatal Occupational Injuries (CFOI), the fatal injury rate for California in CY 2022 saw a slight increase from 2.8 to 2.9 per 100,000 full-time equivalent (FTE) workers.⁴ California’s fatal injury rate in CY 2022 was significantly lower than the national rate of fatal work injuries for civilian workers, which saw an increase in CY 2022 to 3.7 from 3.6 in CY 2021.⁵ Please note that neither COVID-19 nor other illnesses, other than heat illness, are included in CFOI statistics.⁶



³ Source: Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2022 at <https://www.dir.ca.gov/OPRL/Injuries/2022/Menu.htm>.
⁴ Source: Fatal injury rates by state of incident and industry, all ownerships, 2022, available at <https://www.bls.gov/iif/state-data/fatal-injury-rates-by-state-and-industry-2022.htm>.
⁵ Source: Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries by selected worker characteristics, occupations, and industries, civilian workers 2022 and total hours worked and rates of fatal occupational injuries by selected worker characteristics, occupations, and industries, civilian workers, 2021 available at www.bls.gov/iif/fatal-injuries-tables.htm.
⁶ Fatal occupational illnesses, including COVID-19, are out of scope for CFOI unless triggered by an acute injury. Additionally, CFOI closely reviews illness where heat may have played a role in the death to determine if these causes should be considered heat exposure injuries. For more information on how CFOI defines work relationship and traumatic injuries, see www.bls.gov/iif/overview/cfoi-scope.htm.

The tables below provide an overview of state and national fatal occupational injury rates by industry type.⁷ California was lower than the national average in most industries for which comparable rates exist, with a pronounced difference for the category of agriculture, forestry, fishing and hunting, as shown in the chart below. California had higher rates in only two industry groups: transportation and utilities & financial activities.

Fatal Occupational Injury Rates

	California				National		
	CY 2020	CY 2021	CY 2022		CY 2020	CY 2021	CY 2022
Overall Rate	2.9	2.8	2.9	Total	3.4	3.6	3.7
Agriculture, Forestry, Fishing, and Hunting	10.2	11.4	14.3	Agriculture, Forestry, Fishing, and Hunting	21.5	19.5	18.6
Construction	8.0	6.3	5.8	Construction	10.2	9.4	9.6
Manufacturing	1.2	2.1	2.4	Manufacturing	2.3	2.6	2.6
Transportation and Utilities	6.5	7.1	7.4	Trade, Transportation and Utilities	5.2	5.7	6.0
Wholesale and Retail Trade	2.7	2.4	2.6	Wholesale Trade	4.6	5.1	5.4
Professional and Business Services	3.1	2.3	2.7	Retail Trade	2.0	1.9	2.1
Financial Activities	1.5	1.9	1.3	Professional and Business Services	n/a	n/a	3.1
Educational and Health Services	0.8	n/a	0.8	Financial Activities	0.9	0.9	0.9
Leisure and Hospitality	1.8	2.0	2.3	Educational and Health Services	0.7	0.7	0.8
Other Services, Except Public Administration	2.7	2.7	2.4	Leisure and Hospitality	2.5	2.4	2.8
Private Industry	n/a	n/a	n/a	Other Services, Except Public Administration	3.3	3.8	2.9
Public Administration	n/a	n/a	n/a	Private Industry	3.7	3.8	3.9
				Government	1.8	n/a	2.1

⁷ Direct comparisons may be influenced by various factors, including industry composition, potentially affecting the accuracy of this comparison. For a list of all the data elements and methodologies used by CFOI, see <https://www.bls.gov/opub/hom/cfoi/calculation.htm>.

Outreach & Educational Activities

Educational Outreach to High-Risk, Vulnerable Employee Populations

The Outreach Coordination Program expanded its physical presence and reach and increased the number of outreach team members in FFY22-23. The intent was to be more readily available and present in the communities where high-risk vulnerable worker populations are located to meet them where they are. Cal/OSHA now has offices with Bilingual Community Engagement Liaisons (BCEs) located in Sacramento, Fresno, Salinas, Los Angeles, Santa Ana, and El Centro who provide outreach, education, and training to high-risk, vulnerable workers throughout the state. As a result, this Program expanded its impact by establishing new relationships this fiscal year, networking with 20 unions, 17 community-based organizations, eight state and municipal agencies, and two institutions of higher education.



As part of an Alliance Agreement with 10 Mexican Consulates, Cal/OSHA's BCEs and professional outreach team members coordinated events throughout California and participated in 130 Consulate events in various regions of the state. Many of these events were held both in-person at the consulates and at mobile consulate events, with many more being conducted virtually.

On the local level, Cal/OSHA attended events held by various individual counties, providing information regarding workers' rights and employers' responsibilities to protect them workplace hazards. Team members participated in additional events at California State Universities and at various high schools to reach young workers not yet aware of their workplace rights and safety and health protections afforded to them by law. Additional educational institutes include community-based organizations such as Universidad Popular that teaches English to non-English or limited-English speaking individuals. Outreach Coordination Program team members and other Cal/OSHA personnel participated in 297 separate events; workers with non-English or little English-speaking skills attended at least 224 of these events. In some cases, these workers were monolingual speakers of indigenous languages, and the events were facilitated in Mixteco and Zapotec, in addition to Spanish and/or Tagalog for what is often workers mainly employed in low-wage jobs. Cal/OSHA has identified such workers as particularly vulnerable to workplace safety and health hazards due to the nature of their work and often are at high risk of being either unaware of their workplace rights and/or afraid or unable to assert such rights.

The Bilingual Community Engagement Manager who leads the BCELEs was recognized and received an award by California Senator Tom Umberg. The ceremony took place on March 30, 2023, at the Capital Office in Sacramento where Lourdes Cruz received a certificate of recognition as a 2023 Woman of Distinction in the Public Safety category. Senator Tom Umberg presented the award for work in the 34th District of California. Cal/OSHA is fortunate to have extremely talented individuals working towards educating California's most vulnerable workers about their workplace safety and health rights and workplace protections.



California Senator Tom Umberg of District 34, presenting Cal/OSHA Bilingual Community Engagement Manager Lourdes Cruz with the 2023 Woman of Distinction Award.

During this period, more than 248,120 written materials covering a variety of important workplace safety and health topics were distributed at outreach events, of which 72,281 were distributed to high-risk vulnerable workers. All events combined had more than 113,230 attendees, with over 28,000 of those categorized as high-risk vulnerable workers.

To amplify our important messaging and share information to monolingual workers about workplace safety and health rights, team members appeared on local radio stations, and participated in television interviews and Facebook live events.

The following materials were created, updated, or revised in FFY 2023 and are among the many publications and resources distributed during outreach events:

Webpages:

- [Monkeypox Virus webpage](#)
- [Protecting Workers from Mpox for Employers and Workers Covered by the Aerosol Transmissible Diseases Standard \(Title 8 Section 5199\)](#)

Documents:

- [California Workplace Guide to Aerosol Transmissible Diseases](#)
- [Cal/OSHA Consultation Services Brochure](#)
- [Cal/OSHA Consultation Services Overview](#)
- Cal/OSHA Guide to Restaurant Safety in [English](#) and [Spanish](#)

- Cal/OSHA Partnership Opportunities in [Chinese \(Simplified\)](#), [Korean](#), and [Vietnamese](#)
- [Cannabis Fact Sheet](#)
- [Confined Space Hazard Alert](#)
- [Cranes Fact Sheet](#)
- Employers Hotel Housekeeper Musculoskeletal Injury Prevention Program Fact Sheet in [English](#) and [Chinese \(Simplified\)](#)
- Field Sanitation Fact Sheet in [English](#) and [Spanish](#)
- Food Processing: Ergonomic Improvement Work Sheets in [English](#) and [Chinese \(Simplified\)](#)
- Guide to Cal/OSHA in [English](#), [Chinese \(Simplified\)](#), [Korean](#), [Punjabi](#), [Spanish](#), and [Vietnamese](#)
- Guide to California Hazard Communication Regulation in [English](#) and [Chinese \(Simplified\)](#)
- Health & Safety Rights: Facts for California Workers in [English](#), [Spanish](#), [Chinese \(Simplified\)](#), [Korean](#), [Tagalog](#), and [Vietnamese](#)
- [Heat Illness Prevention Pocket Guide in Chinese \(Simplified\)/English](#)
- Heat Illness Prevention Training Materials 2023 in [English](#), [Spanish](#), and [Chinese \(Simplified\)](#)
- Heat Safety Fact Sheet in [Chinese \(Simplified\)](#)
- Housekeeping Musculoskeletal Injury Prevention Program in [Chinese \(Simplified\)](#)
- [How to Find Your Exact Coordinates with Your Android Phone](#)
- [How to Find Your Exact Coordinates with Your iPhone](#)
- How to File a Complaint with Cal/OSHA in [English](#), [Spanish](#), [Chinese \(Simplified\)](#), [Korean](#), [Punjabi](#), and [Vietnamese](#)
- [Lead in Construction Fact Sheet](#)
- Lockout/Tagout for Employees Fact Sheet in [Spanish](#)
- [Model Bloodborne Pathogen Exposure Control Plan: Employees Designated to Provide First Aid as a Collateral Duty](#)
- Model Hazard Communication Program (HAZCOM) for Restaurants in [Chinese \(Simplified\)](#)
- [Model Injury and Illness Prevention Program for Construction](#)
- Model Injury and Illness Prevention Program for High-Hazard Employers in [English](#) and [Chinese \(Simplified\)](#)
- [Model Workplace Security Injury and Illness Prevention Program](#)
- Nighttime Outdoor Agricultural Operations Fact Sheet in [Chinese \(Simplified\)](#)
- [Noise Tailgate Topic](#)

- Pocket Guide for the Construction Industry in Spanish [online version](#) and [print version](#) with [covers](#)
- Preventing Musculoskeletal Injuries in Housekeepers Fact Sheet in [English](#) and [Chinese \(Simplified\)](#)
- Preventing Musculoskeletal Injuries in Housekeepers Poster in [English](#) and [Chinese \(Simplified\)](#)
- Protect Yourself from Heat Illness in [Chinese \(Simplified\)](#)
- Protecting Workers Exposed to Wildfire Smoke Fact Sheet for Employers in [Chinese \(Simplified\)](#)
- Protecting Workers Exposed to Wildfire Smoke Fact Sheet for Workers in [Chinese \(Simplified\)](#)
- [Rodent Infestations: What Employees Need to Know Fact Sheet](#)
- [Roofing Slips and Falls \(Excluding New Production\) Tailgate Topic](#)
- [Roofing Slips and Falls \(New Production\) Tailgate Topic](#)
- [Safety and Health in Agricultural Field Operations in Chinese \(Simplified\)](#)
- Safety and Health Protection On The Job (Cal/OSHA poster) in [English](#) and [Spanish](#)
- [Sample Hazard Communication Program in Chinese \(Simplified\)](#)
- Sample Written Injury and Illness Prevention Program (IIPP) for Restaurants in [English](#) and [Chinese \(Simplified\)](#)
- Silica Hazard Alert – Engineered Stone Countertops in [English](#) and [Chinese \(Simplified\)](#)
- [Split Rims Tailgate Topic](#)
- Safety and Health Protection On The Job (Cal/OSHA poster) in [English](#) and [Spanish](#)
- Tree Work Safety for Workers and Employers in [English](#) and [Spanish](#)
- [Trenching Tailgate Topic](#)
- Understand Your Workplace Safety & Health Rights in [English](#) and [Spanish](#)
- [Using Disposable Respirators \(N95 to P100\) in English/Spanish](#)
- Warehousing and Storage Employer Fact Sheet in [English](#) and [Spanish](#)
- Warehouse Worker Safety Fact Sheet in [English](#), [Spanish](#), [Chinese \(Simplified\)](#), [Korean](#), and [Vietnamese](#)
- What to Expect from a Cal/OSHA Inspection in [English](#), [Spanish](#), [Chinese \(Simplified\)](#), [Korean](#), [Punjabi](#), [Vietnamese](#)
- When to Report Work-Related Injuries and Illnesses Fact Sheet in [Chinese \(Simplified\)](#)
- Worker Safety: Wildfire and Evacuation Zones Infographic in [Chinese \(Simplified\)](#)

- 9 [Janitor “Working Safer and Easier”](#) posters translated into Spanish.

Videos:

- [Voluntary Use of Filtering Facepiece Respirators Training Video in Spanish](#)

For COVID-19 outreach materials, please see below.

COVID 19 Prevention

Occupational exposure to COVID-19 continued in Californians during FFY 2023. Cal/OSHA continues to use previously adopted strategies for addressing the lingering effects of the pandemic, which are:

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

California’s initial response to the pandemic included emergency regulations addressing exposure to COVID-19 in general industry, which were first adopted in November 2020. These provided comprehensive requirements in the workplace as well as special provisions regarding outbreaks, employer-provided housing, and transportation. The emergency standards were readopted multiple times, with textual changes appropriate to changing pandemic conditions. In FFY 2023, the Occupational Safety and Health Standards board voted to adopt Non-emergency COVID-19 Prevention regulations that took effect on February 3, 2023, and will remain in effect for two years with recordkeeping provisions remaining in affect for an additional year beyond that. These regulations include some of the same requirements found in the COVID-19 Prevention Emergency Temporary Standards (ETS), as well as new provisions aimed at making it easier for employers to provide consistent protections to workers and allow for flexibility if changes are made to guidance in the future from the California Department of Public Health (CDPH).

To assist stakeholders in complying with the adopted COVID-19 non-emergency regulations, and also with other standards applicable to COVID-19 prevention, Cal/OSHA updated its frequently asked questions (FAQs), fact sheets, model COVID-19 prevention plan, other written materials, and [online training courses](#) located on [Cal/OSHA’s Training Academy](#).

Cal/OSHA kept the temporary emergency COVID-19 regulations up to date while staff developed the non-emergency regulatory package that the Standards Board voted to pass on December 15, 2022. Development of the regulatory packages was a significant undertaking, but crucial for California workers and employers to continue prevention and minimize the fiscal and economic impact from COVID-19 infections that was found through previous analysis. Though the Federal COVID-19 Public Health Emergency (PHE) declaration ended on May 11, 2023, continued analysis showed the virus still posed a hazard. As a result, Cal/OSHA focused on ensuring the non-emergency regulations were in place prior to the expiration of the ETS and was successful with this effort.

(2) Continuing to educate as many employers and workers as possible through virtual and in-person events.

A vital part of our strategy is keeping employers and workers educated and informed on the continual changes related to COVID-19. The following Cal/OSHA guidance materials were updated or created in FFY 2023:

Webpages:

- The [Cal/OSHA COVID-19 Guidance and Resources webpage](#)
- The [Cal/OSHA COVID-19 Prevention Non-Emergency Regulations resources webpage](#)
- COVID-19 Non-Emergency Standards FAQs: [English](#) and [Spanish](#)
- Cal/OSHA Citation Data and Statistics: [COVID-19 Data](#)
- [Cal/OSHA Training Academy](#)

Videos:

- Cal/OSHA Training Academy: COVID-19 Prevention 2023 Online Training Course [English](#) | [Spanish](#)

Documents:

- COVID-19 Isolation and Quarantine – What Employers and Workers Need to Know Fact Sheet: [English](#) (*now archived*)
- COVID-19 Prevention Non-Emergency Regulations – What Employers Need to Know: [English](#) and [Spanish](#)
- COVID-19 Model Prevention Procedures in [English](#)

Special Initiatives

Heat Illness Prevention

Once again, California experienced one of the hottest summers on record, though with shorter duration heat waves than in 2022. This year, Cal/OSHA increased its focus on hot indoor work environments. In October 2022, Cal/OSHA updated its Heat Illness Prevention Special Emphasis Program (Heat SEP) to include indoor heat illness prevention and increase the number of inspections in response to types of complaints.

In addition to the federal strategic goals, the Heat and Agriculture Program Coordinator participated on behalf of Cal/OSHA as a committee member on the Assembly Bill 1643⁸ – California Heat Study: Advisory Committee. This specialized committee has been established as required by AB 1643 (Robert Rivas, Chapter 263, Statutes of 2022), which was signed into law on September 9, 2022, by Governor Gavin Newsom. This purpose of the committee will be to recommend a study that addresses topics relating to data collection, certain economic losses, injuries and illnesses, and methods of minimizing the effect of heat on workers; through which it will evaluate the effects of heat on California's workers, businesses, and the economy. The advisory committee will continue to meet in FFY 23-24 and is required to recommend the scope of a study to California's Labor & Workforce Development Agency.

In CY2023, Cal/OSHA opened over 200 indoor heat-related complaint inspections.⁹ In addition, during the high-heat season – generally April through October – Cal/OSHA opened over 260 proactive outdoor high-heat inspections¹⁰. These are proactive inspections which augment Cal/OSHA's mandated enforcement activities that include responding to complaints and reports of serious injuries, illnesses, and fatalities. The Heat and Agricultural Coordination Program also held seven heat calls to review past and upcoming activities, review and discuss heat illness and fatality cases, provide ongoing support and instruction, and obtain feedback from senior professional staff on our Heat Special Emphasis Program (Heat SEP) operations.

Heat enforcement efforts peaked just prior to and during high-heat events, particularly during the summer months. The overall compliance rate for CY 2023 will be determined once all of the CY 2023 cases are closed; CY is used rather than FFY because California's heat season extends into October, after the end of each federal fiscal year. The following graph represents the year-round enforcement and outreach activities from calendar year (CY) 2005 through CY 2023 YTD.¹¹

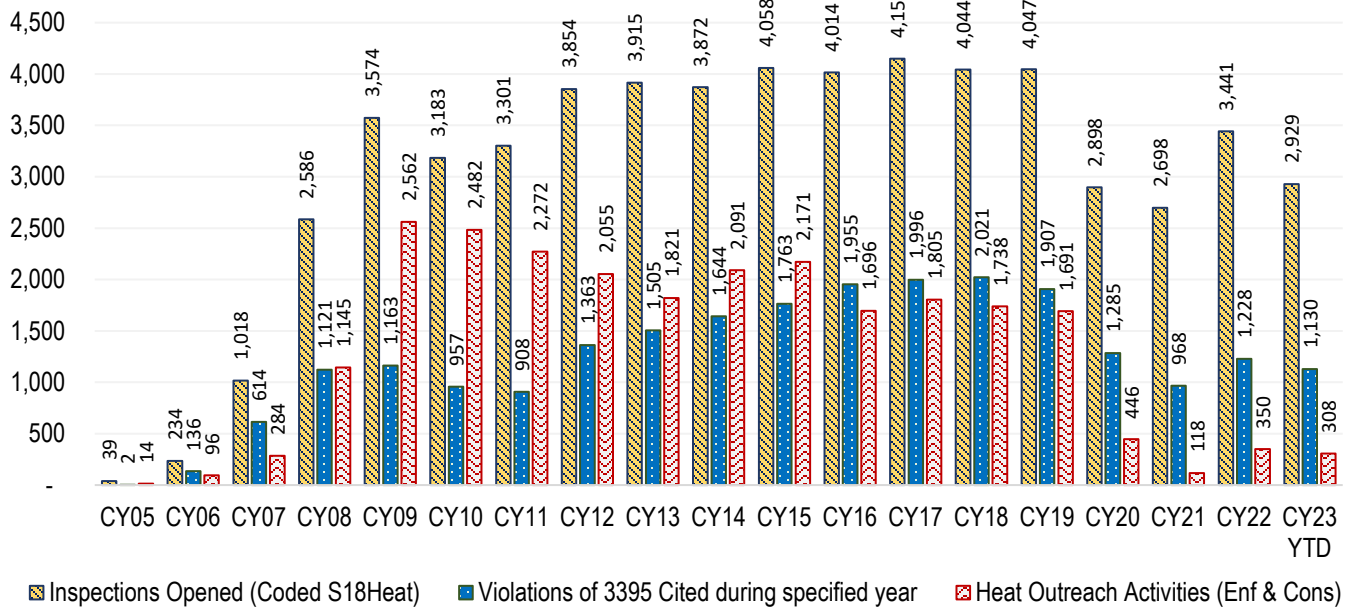
⁸ Bill text: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1643.

⁹ Indoor heat inspections that were internally tracked resulting from complaints that had one or more alleged heat-related hazards in an indoor work environment.

¹⁰ High-heat inspections that were internally tracked resulting from proactive onsite inspections performed in responses to heat waves and periods of high heat.

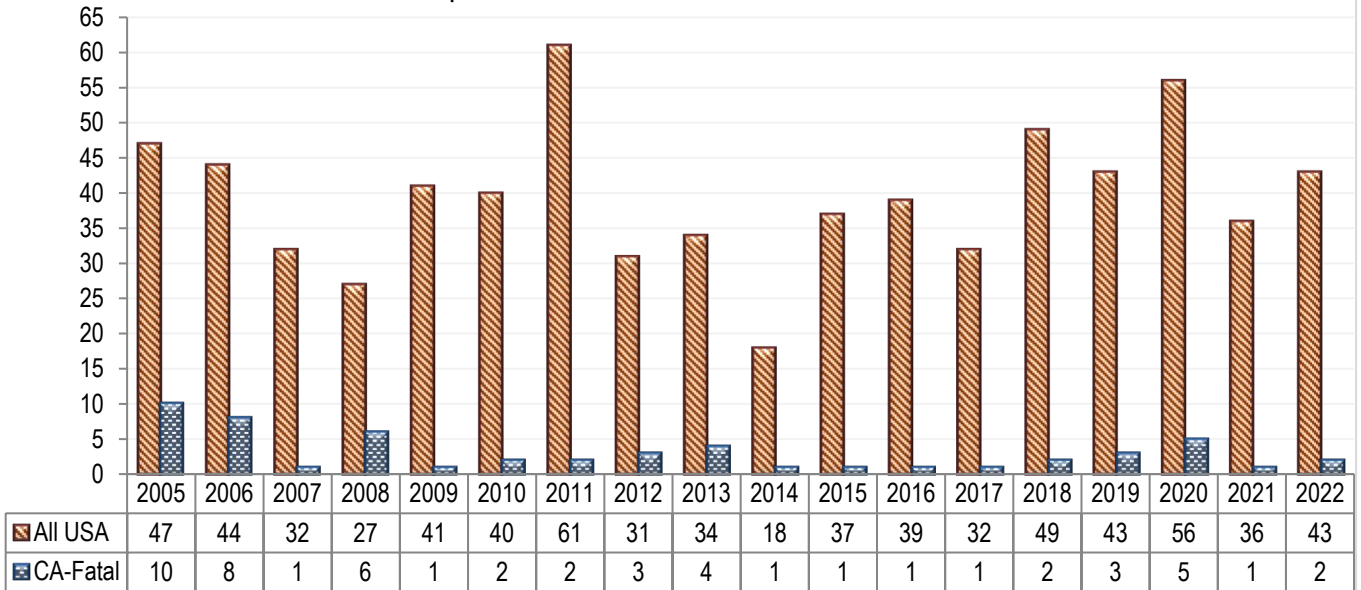
¹¹ Inspections are coded S-18-HEAT if heat hazards were evaluated; other safety and health hazards may have also been addressed.

Heat Illness Enforcement and Outreach Activities CY 2005 - 2023 YTD



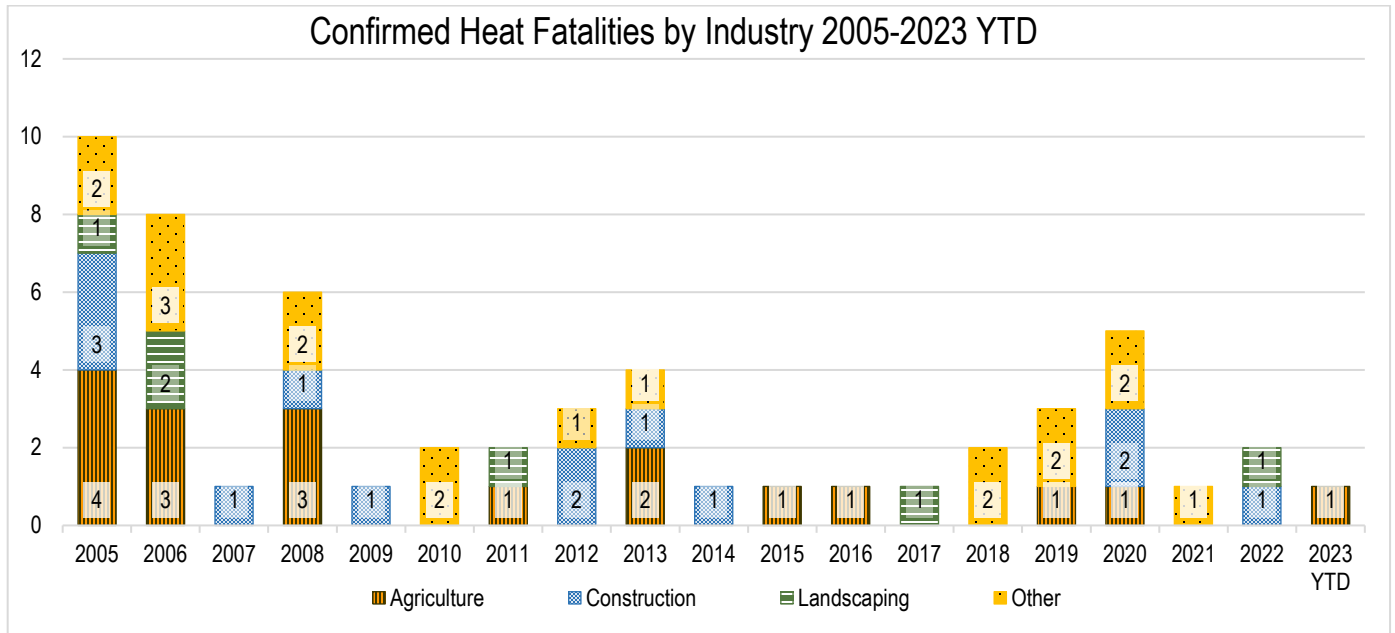
In CY 2022, there were two confirmed heat related fatalities. California’s total heat-related fatalities can be seen compared to the total number of U.S. heat-related fatalities in the following graph.¹²

Fatal Exposure to Environmental Heat CY 2005 - 2022



¹² Please note that national data comes from CFOI, which only includes occupational deaths found to be within the scope of that project. California heat-related deaths are included, as tracked by Cal/OSHA, regardless of whether they are in within the scope of CFOI. The national statistics may not be entirely comparable and may include indoor heat-related deaths that would not necessarily have been tracked by Cal/OSHA during this period.

To date for CY 2023¹³, Cal/OSHA is aware of one medically confirmed fatality case related to outdoor heat exposure, but as of this writing, other suspect heat-related fatalities are pending medical evaluation.



Cal/OSHA continued its longstanding heat illness prevention media campaign, which included bilingual outreach via billboards, television, and radio.

Heat, always a significant hazard in California, continues to affect more workers and employers as summer temperatures become more extreme. Cal/OSHA has long recognized that its outreach efforts must expand to new audiences throughout the state. In FFY 2023, the media campaign continued to target those most vulnerable. Advertisements related to heat hazards were emphasized online and through social media for California workers in addition to our standard campaign mediums.



This heat season, DIR published nine news releases to remind employers of their obligations and inform workers of their rights that Cal/OSHA also shared to over 89,000 employers through industry targeted email distribution lists. In April 2023, DIR held its annual Heat Illness Prevention (HIP) Network¹⁴ meeting with Cal/OSHA presenting information about the updated Heat SEP and our updated 2023 Heat Illness Training Materials for employers. The HIP Network connects over 340 employer associations, employers, and worker advocacy groups and is a voluntary public and private partnership established to increase both employers' and employees' awareness of the

¹³ Number of heat-related serious illnesses and fatalities are internally tracked. Data as of 11/30/2023.

¹⁴ Cal/OSHA Annual Heat Illness Prevention Network Meeting, April 28, 2023: <https://videobookcase.org/cal-osha/2023-04-28/>.

hazards of heat illness and the importance of heat illness prevention measures to prevent heat-related fatalities and serious illnesses in California outdoor workplaces.

The Cal/OSHA Consultation Services Branch held a Heat Illness Prevention Webinar Series from July through September 2023, where 12 total webinars were conducted (6 in English and 6 in Spanish) on heat illness prevention.

During this FFY, the campaign included multilingual advertisements on 22 billboards, 144 wall posters, 87 lunch trucks and 170 work vans in Sacramento, San Joaquin, Merced, Madera, Fresno, Kings, Tulare, Kern, Santa Barbara, Ventura, Riverside, San Diego, and Imperial counties. There were also advertisements near gas pumps at 20 gas stations in the Los Angeles area.

More than 16,890 multilingual educational advertisements in Spanish, Punjabi, Hmong, and Mixtec aired on 42 radio stations in the target areas during this reporting period. Targeted on-line ads have served 52,508,117 impressions and resulted in 52,444 clicks to Cal/OSHA’s 99calor.org website.

Wildfire Response

Although the 2023 fire season was not as destructive as those of recent years, California still endured 7,109 wildfires that burned 324,745 acres in total. The most destructive of these was the Smith River Complex fire that occurred in August 2023 in Northern California, burning 95,107 acres.

Given Cal/OSHA’s years of experience with heat illness prevention outreach, in FFY 2023 the agency took advantage of existing campaigns and networks previously used to disseminate heat hazard information by also including wildfire smoke information. Advertisements addressing

wildfire smoke protection were targeted at agriculture, construction, and warehouse workers online, outdoors, and on the radio.

Cal/OSHA also translated important wildfire smoke protection and heat illness prevention publications to Simplified Chinese to expand the language access available for these materials. Protecting Workers Exposed to Wildfire Smoke Fact Sheet for Employers and Workers, the Wildfire and Evacuation Zones Infographic, Heat Illness Prevention pocket guide, and Heat Safety Fact Sheet: Water, Rest, Shade, are now all available English, Spanish, and Simplified Chinese.

PROTECTION FROM WILDFIRE SMOKE

Employers must

- Identify harmful exposures
- communicate with workers
- train and instruct workers
- control harmful exposures to workers

Learn more at
<https://www.dir.ca.gov/dosh/wildfire/Protecting-workers-from-Wildfire-Smoke-Workers-fs.pdf>

STATE OF CALIFORNIA
CAL OSHA
 DEPARTMENT OF INDUSTRIAL RELATIONS

健康与安全 | 情况说明

保护工人免于接触野火烟雾

Cal/OSHA的法规 33000, 第 5141.1 条“野火烟雾防护”保护了工人免受暴露于野火烟雾中的小颗粒物(PM2.5)所带来的危害。本指南提供了概述, 而非第 5141.1 条的所有要求。

雇主必须遵守什么?

- 当空气中 2.5 微米或更小的颗粒物(PM2.5)的空气质量指数(AQI)为 151 或更高。
- 雇主应提供信息, 告知雇主可能暴露于野火烟雾中。

有什么危害?

野火烟雾是由悬浮在空气中的化学物质和微小颗粒组成的。小颗粒物(PM2.5)会对暴露在烟雾中的工人造成严重的健康危害, 包括慢性支气管炎和哮喘。此外, 野火烟雾还可能对敏感人群造成更严重的健康影响, 例如:

- 肺部功能下降
- 支气管炎
- 哮喘恶化
- 心脏病

雇主可以免于执行什么?

工作场所和工作条件符合以下情况, 雇主可免于遵守 5141.1 条的要求:

- 封闭的建筑物或结构, 其中空气循环和通风系统关闭, 并且主门和通风口均已关闭和密封, 且所有必要的安全已到位。
- 封闭式车辆, 其空气因汽车空调系统过滤, 并且主门保持关闭, 且所有必要的安全已到位。
- 通过屏障或人工屏障工作场所的 PM2.5 水平, 雇主应提供空气污染的 PM2.5 水平不超过当前 AQI 为 151 或更高时的阅读水平。
- 当 PM2.5 水平当前 AQI 为 151 或更高时, 雇主应采取 PM2.5 水平至少低于一个 AQI 的可行措施。
- 从事野外消防工作的消防队。

2023 年 5 月 (简平印)

工人安全: 野火烟雾和疏散区

野火烟雾防护

在此时, 有一项法律, 要求雇主提供保护免受野火烟雾的危害。雇主可以通过以下方式减少暴露于野火烟雾的空气:

- 将工作地点改在更有保护健康的空气的地方。
- 改变您的工作方式或工作间, 以减少暴露在野火烟雾中的时间。
- 提供 N95 口罩。

野火烟雾培训

您是否接受培训, 了解如何使用口罩, 以及您的雇主为保护您和您的同事免受野火烟雾危害所采取的措施。请在 Cal/OSHA 的网页上阅读更多要求。网址: www.dir.ca.gov/111616。

疏散区

您是否在疏散区工作。加州法律规定, 工人有权拒绝在不安全的条件下工作, 包括在疏散区工作。如果雇主因您拒绝在疏散区工作而解雇您或减少您的工作时间, 法律可以帮助您追回未支付的工资。

联系劳资关系部

在加州, 劳动法保护所有工人, 无论其移民身份如何。如果您的雇主没有保护您免受野火烟雾的危害, 您有权提出投诉。如果您的雇主因为您行使您的权利而解雇您或减少您的工作时间, 您可以提出投诉, 可能获得额外的工资和损害赔偿。

- 如何向 Cal/OSHA 提交关于工作场所安全问题的投诉。
- 如何向劳工专员办公室举报雇主。

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2023 年 5 月 (简平印)

健康与安全 | 情况说明

面临野火烟雾危害的工人

有什么危害?

野火烟雾是由悬浮在空气中的化学物质和微小颗粒组成的。小颗粒物(PM2.5)会对暴露在烟雾中的工人造成严重的健康危害, 包括慢性支气管炎和哮喘。此外, 野火烟雾还可能对敏感人群造成更严重的健康影响, 例如:

- 肺部功能下降
- 支气管炎
- 哮喘恶化
- 心脏病

Cal/OSHA 有一项法律, 要求雇主提供保护免受野火烟雾的危害。雇主可以通过以下方式减少暴露于野火烟雾的空气:

- 将工作地点改在更有保护健康的空气的地方。
- 改变您的工作方式或工作间, 以减少暴露在野火烟雾中的时间。
- 提供 N95 口罩。

雇主必须遵守第 5141.1 条的要求?

雇主必须遵守以下两个条件:

- 工人工作地点的 PM2.5 的当前空气质量指数(AQI)为 151 或更高。当前 AQI 是实时更新的。EPA 用来衡量空气质量的工具。
- 雇主应提供信息, 告知雇主可能暴露于野火烟雾中。

工作场所和工作条件符合以下情况, 雇主可免于遵守 5141.1 条的要求:

- 封闭的建筑物或结构, 其中空气循环和通风系统关闭, 并且主门、门、通风口和其他开口均已关闭和密封, 且所有必要的安全已到位。
- 封闭式车辆, 其空气因汽车空调系统过滤, 并且主门保持关闭, 且所有必要的安全已到位。
- 通过屏障或人工屏障工作场所的 PM2.5 水平, 并且雇主提供当前 AQI 为 151 或更高的阅读水平。
- 在一个疏散区, 工人暴露在 PM2.5 中, 当前 AQI 为 151 或以上, 并且雇主不能一一培训。
- 从事野外消防工作的消防队。

雇主可以免于遵守第 5141.1 条的要求吗?

雇主可以免于遵守第 5141.1 条的要求, 如果他们符合以下所有条件:

- 对雇主的要求。
- 雇主提供了第 5141.1 条的 AQI。
- Cal/OSHA 野火烟雾指南的要求。
- 雇主采取了措施。
- 雇主提供了工人免受野火烟雾危害的信息。
- 雇主提供了野火烟雾危害的信息。
- 雇主提供了野火烟雾危害的信息。

2023 年 5 月 (简平印)

Expanding Accessibility for Non-English Speakers

In FFY 2023, Cal/OSHA expanded its accessibility for non-English speaking workers through the addition of four additional Bilingual Community Engagement Liaisons (BCELS) and offices in strategic geographic regions. In addition, Cal/OSHA also established a Bilingual Community Engagement Manager (BCEM) to supervise these new team members located throughout the State.

BCELS continue to engage and develop partnerships between Cal/OSHA and community-based organizations, labor advocacy groups, and labor union representatives. The goal is to bridge the divide between workers and Cal/OSHA, build trust and create an open channel of communication to enable Cal/OSHA to quickly share critical information and resources with these workers and allow them to report concerns about unsafe workplaces. These positions have also strengthened the faith of workers in Cal/OSHA through establishing a designated liaison for their region, that quickly responds to questions and concerns from workers and worker advocacy and representative organizations, with answers more easily understood by virtue of being provided in

the workers primary language. The BCELs regularly participate in meetings, roundtable discussions, worker caravans, and pop-up clinics hosted by community-based organizations, often alongside other state and local agencies.

Addressing Staffing Challenges

For the past year, Cal/OSHA has encountered difficulty in hiring new positions, especially within Enforcement, but in other units as well. In the last FFY, Cal/OSHA completed 22 hires.

Cal/OSHA's Recruiting Committee members meet regularly to monitor and track vacancies and develop recruiting strategies. Although staffing challenges remain, especially for industrial hygienists, Cal/OSHA has remained transparent about hiring, publishing online information about filled and vacant positions among safety engineers, industrial hygienists, and supervisors.¹⁵ Cal/OSHA has made hiring a top priority and has developed a multi-pronged approach to filling vacancies, including outreach and advertising in professional journals and publications; at professional societies, associations, colleges and universities; on social media platforms and job boards; and through a virtual career fair.

Professional Development and Training

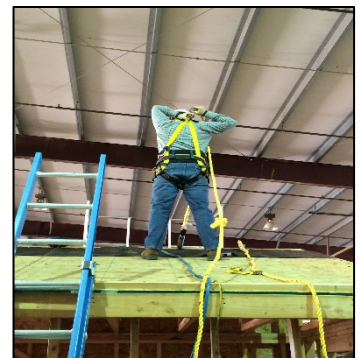
Training provides Cal/OSHA staff with up-to-date information and helps with onboarding and retention. The Professional Development and Training Unit (PDTU) delivered 23 total training classes comprised of six division-mandated classes, 14 technical training classes and three trainings events for the Cal/OSHA Legal and Procurement Units. The classes were conducted through a mix of in-person classroom setting, hands-on equipment setting, and virtual training events. These events were attended by Cal/OSHA managers, safety and health professionals, attorneys, and administrative staff.

In addition, DIR launched a brand-new Learning Management System (LMS) in July 2023 that PDTU has begun developing course content for.

PDTU is now able to create learning pathways based upon a Compliance Safety and Health Officer (CSHOs) career path (i.e., safety or health). These courses are developed, tracked, updated, and shared through the LMS.



Cal/OSHA inspectors attending a scaffolding hands-on technical training course.



Cal/OSHA inspector attending a fall protection hands-on technical training course.

¹⁵ Cal/OSHA's Recruitment and Hiring can be found at <https://www.dir.ca.gov/dosh/DOSH-Recruitment-Hiring.html>.

Virtual control allows for division-mandated course enrollment, attendance tracking, certificate of completion issuance, and for review by course, instructor, and/or learner. PDTU can coordinate and/or facilitate the course virtually through the LMS, send notifications of the course through LMS with information on how to join virtually or where and when the physical location for in-person courses will take place. Further, the LMS allows for all levels of staff to request technical training related or required by their job and provides Cal/OSHA management, PDTU, and accounting, access level appropriate controls each step of the way to ensure all levels of approvers have properly reviewed the course for appropriateness, cost, policy compliance, and ensure satisfactory completion.

ID	Section	Status	Affiliation
131	2023 Heat Lines Personnel SOP (Seasonal) Training - Day 1	ACTIVE	Division of Occupational Safety & Health
132	2023 Heat Lines Personnel SOP (Seasonal) Training - Day 2	ACTIVE	Division of Occupational Safety & Health
134	2023 Annual Heat Lines Personnel Plan Training for OSHA Field Employees	ACTIVE	Division of Occupational Safety & Health
135	2023 Advanced Steel Training for OSHA Enforcement Managers, Section Safety Engineers, and Section Industrial Hygienists	ACTIVE	Division of Occupational Safety & Health
136	2023 Annual Heat Lines Personnel Plan Training for OSHA Field Employees - Self Paced	ACTIVE	Division of Occupational Safety & Health
137	2023 Annual OSHA Respiratory Protection Program Training for OSHA - June session	ACTIVE	Division of Occupational Safety & Health
138	Investigation Interviewing Techniques - (Online Standard) - 2023	ACTIVE	Division of Occupational Safety & Health
139	Free Stick Operations and Safety Instruction - June 2023 Session	ACTIVE	Division of Occupational Safety & Health
140	OSHA Enforcement Process Training - June 2023	ACTIVE	Division of Occupational Safety & Health
141	Steel Erection Training for OSHA - July 2023 - Remote	ACTIVE	Division of Occupational Safety & Health
142	Steel Erection Training for OSHA - Steel Deck	ACTIVE	Division of Occupational Safety & Health
143	Training and Research Training - (Self-Paced) for November 2023 Session #1	ACTIVE	Division of Occupational Safety & Health
144	OSHA Training on Requests for OSHA Legal Assistance - July 2023 session	ACTIVE	Division of Occupational Safety & Health
145	LEADERS Training on Requests for OSHA Legal Assistance - July 2023 (Self-Paced course)	ACTIVE	Division of Occupational Safety & Health
146	Accident Investigation - (E-learn Standard) - 2023	ACTIVE	Division of Occupational Safety & Health
147	Health Communication Resources for Cal/OSHA Employees - (Self-Paced)	ACTIVE	Division of Occupational Safety & Health
148	OSHA Leadership in Business Initiatives Coaching and Training August 23, 2023	ARCHIVED	Division of Occupational Safety & Health
149	Training and Supervision Training - (Self-Paced) for November 2023 Session #2	ACTIVE	Division of Occupational Safety & Health
150	2023 Annual OSHA Respiratory Protection Program Training for OSHA - October session	ACTIVE	Division of Occupational Safety & Health

Dashboard to the PDTU LMS.

Communication with Stakeholders

Initiatives and Campaigns

Cal/OSHA participates annually in the Federal OSHA Safe + Sound Week campaign. This year, Cal/OSHA created customized weblinks that were shared by Cal/OSHA using our employer listservs and our Alliance Partners. These weblinks allowed businesses to register their pledge with Federal OSHA. This initiative resulted in 334 registrations for the 2023 Safe + Sound campaign, which was the largest number of registrations in the nation – [view on the Federal OSHA Safe + Sound Week state pledge totals webpage](#).

The highest industries registered through the customized links were construction, government, manufacturing, food service, and health care. This demonstrates where we need to focus and target the industries that were not as responsive, including agriculture, landscaping, horticulture, and warehousing & logistics next year.

In addition, Cal/OSHA emailed targeted industries using our distribution lists, reaching over 365,275 employers in California on a regular basis throughout this period. Emails contain important information related to updates on the COVID-19 Non-Emergency Regulations, COVID-19 FAQ updates and revisions, hazard alerts, and other information concerning Workers' Memorial Day and Labor Rights Week.

Other Activities

Other activities that Cal/OSHA Communications and management and team members participated in include:

- Attending regular meetings with Cal/OSHA Chief and DIR to strategize our hiring and recruitment efforts across the programs within DOSH.

- Advertising and recruiting for a variety of positions across many platforms such as [CalCareers](#), [LinkedIn](#), [Facebook](#), and the [Cal/OSHA homepage](#).
- Updating of the [Cal/OSHAJobs](#) and [Cal/OSHA Recruitment and Hiring](#) webpages.
- Regularly updating the [Citations for COVID-19 Related Violations public webpage](#) (*now archived*), providing information about inspections that resulted in citations with violations related to COVID-19 infection prevention. DOSH Communications staff updated this page regularly to promote transparency and raise awareness of employers who were found to be out of compliance with safety and health requirements related to COVID-19.
- Coordination of, and posting documents related to, the [SB 321 Household Domestic Services Employment Safety committee meetings](#).
- Creating and posting of COVID-19 Prevention Non-Emergency Regulations resources:
 - COVID-19 Prevention Non-Emergency Regulations resource page in [English](#) and [Spanish](#)
 - COVID-19 Prevention Non-Emergency Regulations Frequently Asked Questions in [English](#) and [Spanish](#)
 - Creating and posting [Frequently Asked Questions on Requirements for TB Testing Under the ATD Standard webpage](#)
- Updating the Cal/OSHA [Silica Special Emphasis Program](#).
- Created and posted electronic means for [Employer Carcinogen Reporting](#) and Employer Respirable Crystalline Silica (RCS) Reporting in [English](#) and [Spanish](#), on the [Asbestos and Carcinogen Unit webpage](#).
- Updating the [Cal/OSHA Workplace Violence in General Industry](#) and [Cal/OSHA Workplace Violence](#) webpages.
- Regular updates of the [Training and Safety Awareness Events webpage](#) with available trainings offered in partnership with the State Fund Seminar Series through the alliance partnership.
- Coordination of, and posting documents related to, the newly formed [AB 1643 – California Heat Study: Advisory Committee webpage](#) and meetings.
- Posting the final [Draft Policy Guidelines](#) and final [Draft Recommendations Report](#) for the [SB-321 Household Domestic Services Employment Safety Advisory Committee](#).
- Distributed information on new pay transparency law requirements to 377,860 employers in 28 industries and Cal/OSHA COVID-19 Prevention Non-Emergency Regulations FAQs updated information to 373,684 employers in 25 industries.

Partnerships & Compliance Assistance

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. Our Outreach Coordination Program and BCELs continue to work closely with EMPLEO to ensure that this partnership is collaborative and productive to support Spanish-speaking workers and employers.

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.

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. During FFY 2023, Cal/OSHA forwarded at least 66 referrals for investigation to DLSE (48 concerning labor law violations, and 18 concerning employer retaliation and discrimination).

Public Sector Consultation Service Branch Activities

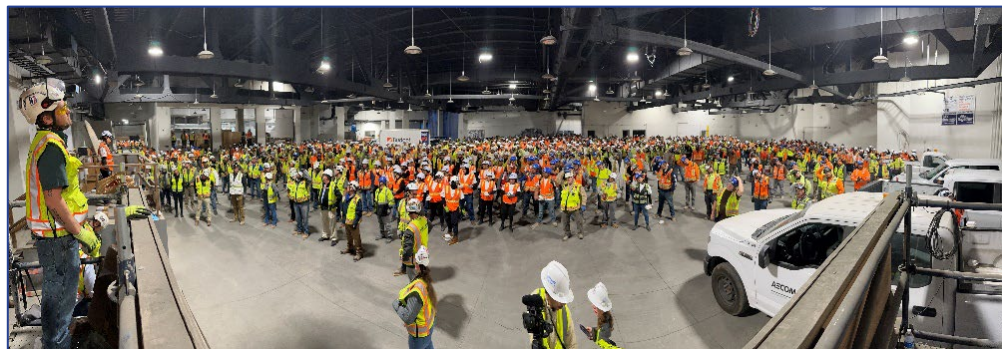
The Consultation Services Branch provides onsite consultation services to the public sector under the 23(g) program. During FFY 2023, the Consultation Services Branch conducted 26 initial visits for the public sector. During these visits a total of 260 hazards were identified with 86 being classified as Serious, 162 being classified as Other-Than-Serious, and 12 being classified as Regulatory. The Consultation Services Branch also provided 17 formal training events and 13 other compliance assistance activities for the public sector.

PUBLIC	
FFY 2023 Visits & Compliance Assistance	Total
Total Onsites 10/1/2022 – 9/30/2023	
Total Number of Onsites	26
Number Initial Visits	26
Number Training and Assistance Visits	0
Number Follow Up Visits	0
Total Hazards	
Total Number of Hazards	260
Number of Serious Hazards	86
Number of O-T-S Hazards	162
Number of Regulatory Deficiencies	12
Partnership Programs	
Golden Gates	0
SHARPS	0
New	0
Renewals	0
Compliance Assistance	
Compliance Assistance to Employers (Speeches)	17
Compliance Assistance to Employers - (Other)	13

Cal/OSHA held quarterly State Agency Workplace Safety and Health Network meetings with public employers. Topics included new and updated standards and issues of concern for these agencies.

The Consultation Services Branch also administers the Voluntary Protection Program (VPP) under the 23(g) program. In FFY 2023, Consultation had 10 new Cal/VPP establishments. Cal/OSHA renewed 12 sites. The VPP Unit ended FFY 2023 with five pending applications, 64 VPP-Star sites, and two VPP-Reach sites.

Lastly, under the 23(g) program, the Consultation Services Branch operates the Voluntary Protection Program-Construction (VPP-C). For FFY 2023, the VPP-C Unit evaluated and added five new sites and there were no renewals. The VPP-C Unit ended Federal Fiscal Year 2023 with nine pending applications and 13 total active VPP-C sites.



Alliances

Alliance Program

Participants in the Alliance Program support Cal/OSHA's mission through Alliance Agreements that contain work plans to raise awareness of safety and health hazards through communication and outreach, training, and education, and promote statewide dialogue.

For increased awareness, the [Alliance Program webpage](#) was updated this FFY. The redesign now provides access to all signed agreements and photos of the ceremonial events.

To promote Cal/OSHA's Alliance Program, a tri-fold brochure was also developed providing details about the program and information on how to become an Alliance partner.

The Cal/OSHA Alliance Program grew in FFY 2023. The Program met with 14 prospective participants in FFY 2023 and signed three new Alliance Agreements between four organizations, that include:

1. California District Council of Iron Workers (DCIW) on January 24, 2023
2. Safety Center Inc., and Sacramento Regional Builders Exchange on February 9, 2023
3. National Safety Council on March 28, 2023

These Alliance Agreements will establish a framework that includes, schedules meetings, increased worker access to effective workplace safety and health tools, information about worker rights to maximize worker safety and health protection in their prospective industries, and mutually supported and promoted safety and health campaigns.

There are currently four additional Alliance Agreements nearing completion for the next FFY to further solidify and demonstrate the importance of this program as it becomes more highly sought after by stakeholders each year.

Activities from this FFY with all Alliance Agreements in place, include:

- State Compensation Insurance Fund (SCIF)
 - Posted and shared via email distribution lists five training events related to heat illness prevention, wildfire smoke protection, tree worker safety, and job safety through job hazard analysis, all hosted by State Compensation Insurance Fund
 - Participated in one training event.
 - Mutually shared social media posts related to Federal OSHA's Safe + Sound Week campaign.
- Sacramento Regional Builders Exchange and Safety Center (SRBX & Safety Senter)
 - Shared Cal/OSHA educational materials related to fall protection, Silica, Lockout/Tagout, and Excavation & Trench Safety.
 - Attended the SRBX Women in Construction Conference with an exhibitor booth to promote women in construction and Cal/OSHA related materials.

- Provided employers hundreds of updated Cal/OSHA Pocket Guides for the Construction Industry through SRBX and the Safety Center.
- Cal/OSHA Compliance staff received training through an SRBX facilitated two-day “Reading Construction Documents” virtual course where staff learned how to read construction documents in detail.
- The Safety Center facilitated introductions between Cal/OSHA and various Safety Center public works contacts in efforts to establish relationships for stakeholder review of Cal/OSHA publications in development specific to the public works industry.
- SRBX and the Safety Center mutually shared social media posts related to Federal OSHA’s Safe + Sound Week campaign.
- California District Council of Iron Workers (DCIW)
 - Provided employers hundreds of updated Cal/OSHA Pocket Guides for the Construction Industry
 - Cal/OSHA Compliance staff received training from DCIW related to steel erection. There were two sessions held in-person, taking place in Benecia and San Diego.
 - Participated in 11 Mobile Consulate events throughout the state.
 - Began outlining details for a collaborative fact sheet on common construction site hazards, and a contractor checklist to assist in establishing a safety program.
 - Mutually shared social media posts related to Federal OSHA’s Safe + Sound Week campaign.
- National Safety Council (NSC)
 - Discussed possible creation of Cal/OSHA materials related to updating First Aid requirements in response to the Opioid epidemic.
 - Shared NSC social media posts in support of Go Safely campaign.
 - Provided technical feedback on the NSC Young Worker Safety policy position statement.
 - Provided hundreds of updated Cal/OSHA Pocket Guides for the Construction Industry
 - Mutually shared social media posts related to Federal OSHA’s Safe + Sound Week campaign.
 - Cal/OSHA conducted outreach at the NSC Western Occupational Safety and Health (WOSH) event where a presentation on Valley Fever was conducted and related Cal/OSHA materials were shared with NSC member attendees.
- Mexican Consulates of California
 - Created a trifold brochure in English and Spanish, and provided training, on how to file a complaint with Cal/OSHA.
 - Attended 28 Labor Rights Week events with various Mexican Consulates throughout the state between August 28 and September 1.
 - Participated in 11 Mobile Consulate events throughout the state.

Signing Ceremonies from FFY 2023:

March 28, 2023 – Alliance signing National Safety Council in Sacramento, CA

Left to right: National Safety Council Vice President of Workplace Safety Programs, Paul Vincent, Cal/OSHA Chief, Jeff Killip and Dept. of Industrial Relations Director, Katie Hagen.



January 24, 2023 – Alliance signing District Council of Iron Workers in Santa Ana, CA



Left to right: Cal/OSHA Communications and Outreach (inclusive of the Alliance Program) Program Manager Brandon Hart, CA DCIW Director of Work Preservation Task Force John Lockner, Cal/OSHA Communications and Outreach (inclusive of the Alliance Program) Program Senior Safety Engineer and Alliance Coordinator Charlene Gloriani, CA DCIW Administrative Assistant Falcia Whitson, Cal/OSHA Chief, Jeff Killip, CA DCIW President, David S. Osborne, Cal/OSHA Research and Standards Senior Safety Engineer Amit Gupta, Cal/OSHA Research and Standards Principal Safety Engineer Jason Denning, Cal/OSHA Research and Standards Senior Safety Engineer Keummi Park, Cal/OSHA Bilingual Community Engagement Manager Lourdes Cruz, Cal/OSHA Communications and Outreach (inclusive of the Alliance Program) Program Analyst Ame Lazzara, Cal/OSHA PDTU Senior Safety Engineer Kathy Armas.

February 9, 2023 – Alliance signing Safety Center, Inc. and Sacramento Regional

Builders Exchange in Sacramento, CA

Left to right: Sacramento Regional Builders Exchange (RBX) C.E.O. Tim Murphy, Cal/OSHA Chief Jeff Killip, and Safety Center, Inc. Chief C.A.R.E. Team Officer Darrell Teat.



Significant Cases

During the reporting period, Cal/OSHA encountered and addressed several notable cases, each exemplifying the Division's commitment to workplace health and safety and regulatory compliance.

Cal/OSHA Cites Sterilization Company \$838, 800 for Overexposing Employees to Toxic Chemical¹⁶

Cal/OSHA issued 18 citations, including six citations for willful-serious violations, to Parter Medical Products, Inc. for failing to protect its employees from overexposure to ethylene oxide, a toxic chemical. A willful violation is issued when evidence shows that the employer committed an intentional and knowing violation. The penalties total \$838,800.

Parter Medical Products, Inc. dba Parter Sterilization Services uses ethylene oxide gas to sterilize medical devices. Chronic exposure to ethylene oxide is associated with cancer, reproductive effects, and neurotoxicity. Its odor is undetectable to humans until the concentration exceeds hazardous levels.

On August 5, 2022, Cal/OSHA's Process Safety Management (PSM) Unit opened an inspection at the Parter facility in Carson. The PSM Unit is responsible for inspecting refineries and chemical plants that handle large quantities of toxic and flammable materials. PSM's inspection followed an investigation by South Coast Air Quality Management District, which referred the matter to Cal/OSHA.

Parter shut down its facility in August 2022 for several months while it made modifications to reduce outdoor ethylene oxide emissions. However, Parter's remediation efforts did not solve the employee-exposure issues indoors. When Cal/OSHA resumed its inspection in December 2022, it found that one employee was overexposed to ethylene oxide his entire shift. Under Cal/OSHA regulations, the permissible exposure limit for eight hours is no more than 1 ppm (parts per million). The employee's exposure averaged 5 ppm during the shift and averaged 9 ppm during a three-and-a-half-hour period. Tests show Parter employees were exposed to ethylene oxide above the permissible limit from 2019 until 2022.

Cal/OSHA's citations include violations for the employer's failure to have an effective safety plan to evaluate and develop controls for hazards, failure to develop a respiratory protection plan as required, failure to monitor employee exposure, and failure to notify workers of exposure over the permissible limit for ethylene oxide.

Cal/OSHA Cites Equipment Company, Refers Construction Company for Criminal Prosecution Following Confined Space Deaths¹⁷

The California Division of Occupational Safety and Health (Cal/OSHA) has cited Meeder Equipment Company of Rancho Cucamonga and referred D&D Construction Specialties, Inc. of

¹⁶ DIR News Release 2023-24, Date: March 21, 2023: <https://www.dir.ca.gov/DIRNews/2023/2023-24.html>.

¹⁷ DIR News Release 2023-31, Date: April 19, 2023: <https://www.dir.ca.gov/DIRNews/2023/2023-32.html>.

Sun Valley (D&D) for criminal prosecution in two separate cases of workers' deaths related to confined spaces. All employers must recognize, evaluate, and control confined space hazards to ensure workers' safety.

Meeder Equipment Company and its successors were cited a combined \$272,250 for serious safety violations following a confined space death of a worker who suffocated in a 10,000-gallon propane gas tank. In a separate case, D&D faced criminal prosecution for the 2016 death of a worker who lost consciousness and fell 15 feet while cleaning a 50-foot-deep, 48-inch-wide drainage sump. Cal/OSHA's Enforcement branch also issued citations to D&D, including a serious accident-related citation for failure to conduct a hazard inspection before this work was performed.

Confined space hazards exist in many workplaces. Employers must identify and label confined spaces, establish and maintain onsite emergency response plans, and provide training for workers and supervisors. Common types of confined spaces include tanks, silos, pipelines, sewers, storage bins, drain tunnels and vaults.

On August 18, 2022, a mechanic employed by Meeder Equipment Company entered the tank to spray a valve inside. He was later found unresponsive inside the permit-required confined space. Meeder employees attempted to rescue him without proper respiratory protection but were unsuccessful, as they were nearly overcome by the lack of oxygen inside the tank. The Rancho Cucamonga Fire Department rescued the employee and transported him to a nearby hospital where he died.

Meeder Equipment Company's violations include one categorized as willful and serious after Cal/OSHA determined the employer failed to follow confined space requirements, did not provide employees with safety training or respiratory equipment, and did not have an emergency rescue plan. A willful violation is cited when evidence shows the employer either knowingly violated the law or took no reasonable steps to address a known hazard.

Among other violations cited were failure to:

- Test or monitor the atmosphere inside the permit-required confined space during initial and subsequent rescue entries.
- Provide at least one attendant outside of the permit-required confined space during the duration of all entry operations.
- Prepare a proper entry permit.
- Provide effective training to perform duties while working inside a permit-required confined space.

In a separate and unrelated investigation, Cal/OSHA's Bureau of Investigations (BOI) successfully referred to the Los Angeles County District Attorney's office a worker's 2016 confined-space death for criminal prosecution. BOI is responsible for investigating employee fatality and serious injury cases, and for preparing and referring cases to local and state prosecutors for criminal prosecution.

The victim in the D&D case was employed by a licensed general contractor as a laborer and was assigned to clean water, muck, and other debris from the bottom of a 50-foot-deep, 48-inch-wide drainage sump. The victim stood on a metal bucket attached to a small crane that lowered him into the shaft opening. After 15 to 20 feet, he became unresponsive and fell head-first to the bottom of the shaft. The victim died as a result of drowning.

On September 27, 2019, the Los Angeles County District Attorney's office filed a felony criminal complaint against D&D. Daniel T. Moore, the president of D&D, was charged with involuntary manslaughter under Penal Code section 192(b) and two counts of willful violation of an occupational safety or health standard under Labor Code section 6425(a). Marty K. Hamilton, the superintendent of D&D, who is now deceased, was charged with violating two counts of Labor Code section 6425(a). In November 2022, Moore was convicted of a felony for violating Labor Code section 6425. He was ordered to pay a \$100,000 fine, which included \$22,000 to the victim's family and \$15,000 to BOI, one year of formal probation, and completion of OSHA training.

Cal/OSHA has extensive informational materials on its website, including a confined space guide for the general industry to help employers provide safe workplaces and ensure workers know these hazards.

Cal/OSHA Cites Two Employers in Half Moon Bay for Health and Safety Violations Following Investigation into Workplace Violence that Killed Seven¹⁸

Cal/OSHA cited two employers in Half Moon Bay following an investigation into workplace violence that killed seven agricultural workers on January 23, 2023.

Cal/OSHA cited California Terra Garden, Inc. for 22 violations, including five classified as serious and one classified as serious accident-related for failing to have a plan or procedures to immediately notify employees of an active shooter threat and instruct them to seek shelter. Total proposed penalties are \$113,800.

Concord Farms Inc. was cited for 19 violations, three of them serious, including failure to address previous incidents of workplace violence and develop procedures to correct and prevent this hazard. Total proposed penalties are \$51,770.

Both employers were cited for failing to establish a workplace safety plan that evaluated the threat of workplace violence and train workers in a language they can understand. Both employers were also cited for failure to secure labor camp permits for onsite worker housing.

A former employee of California Terra Garden, who also previously worked at Concord Farms, is accused of shooting and killing four workers and wounding a fifth at California Terra Garden on January 23 before driving to nearby Concord Farms and fatally shooting three workers there. Other state agencies continue to investigate at the worksites, which may result in additional enforcement actions.

¹⁸ DIR News Release 2023-46, Date: June 26, 2023: <https://www.dir.ca.gov/DIRNews/2023/2023-46.html>.

Occupational Safety and Health Appeals Board (OSHAB)

The California Occupational Safety and Health Appeals Board (Appeals Board) continues to find legal remedies to complex worker safety and health issues. In efforts to streamline the process, Appeals Board stakeholders and staff have embraced the Appeals Board videoconferencing methods for conferences and hearings. The results have been favorable, again this year, as the Board closed more cases than we opened during the past federal fiscal year.

Video Hearings

During the reporting period, the Appeals Board received 2,186 new appeals and closed 2,283. Administrative Law Judges conducted 91 hearings over 142 days. No in-person hearings were conducted. Administrative Law Judges conducted 215 Settlement Conferences during this same time. In addition, the Appeals Board has been conducting video-conference hearings with virtually no problems. This process has been so successful that telephonic status, pre-hearing, and settlement conferences have been converted to video-conferencing with the same success rate.

Appeal Board Rulemaking Proposal

The Appeal Board's rulemaking proposal amendments to California Code of Regulations, title 8, sections 372.6, 372.8, 376 and 376.8 became effective July 1, 2023. The proposal explicitly permits videoconferencing hearings in some circumstances. The proposal also addressed some small errors from prior rulemakings.

Appeals Board Pilot Program

The Double-Booking Pilot Program (the Pilot) began September 7, 2022, and ran through December 6, 2022. During that time, two "test pilot" judges each had nine days that were scheduled with two hearings apiece. This resulted in 18 appeals per judge being "double booked," for a total of 36 appeals across the Pilot. There were two appeals during the pilot period that went forward to hearing on their scheduled day with the same judge. In short, the reassignment of one appeal to another ALJ did not create any new obstacles that were not able to be resolved at the time of the hearing.

The protocol, as outlined in the Pilot Program memorandum, was designed to allow the Appeals Board an opportunity to examine potential areas of concern if such a program were put in place permanently. We separated the challenges identified into three areas of concern: 1) the amount of additional time required by staff to schedule the hearings; 2) the availability of hearings waiting to be scheduled; and 3) the logistics of scheduling multiple participants.

Viewed as a trial of proof of concept, the Pilot showed the feasibility of such a program, if needed in the future. If the Appeals Board faces a backlog of appeals waiting for hearings (when there are more hearings than there are days to schedule within a reasonable time frame), the program could be instituted to ensure the Appeals Board is meeting its mandate. If this route is chosen, we

suggest identifying what the Appeals Board defines as a “backlog” that would trigger the necessity for the Program to be implemented. This may occur in the future, particularly if we see an uptick in appeals filed as a result of the Division’s increase in field staff and the anticipated increase in citations issued. With the report’s findings, the Appeals Board may wish to consider whether there is a need to implement any model of hearing double-booking at this time.

COVID-19 Appeals

The Appeals Board began receiving COVID-19 related appeals in November 2020. As of September 30, 2023, the Appeals Board has received a total of 1,095 COVID-19 Appeals. Staff monitors and tracks each case. Of the current 279 open cases, seven, or less than four percent of the open cases are serious unabated cases.

Stakeholders’ Roundtable

The Appeals Board held a Stakeholders’ Roundtable in Vacaville, California on June 28, 2023. Several stakeholders from various organizations attended. The Roundtable was conducted just prior to our new regulation package taking effect. This gave stakeholders an opportunity in-person to address the Board Members and staff with questions and concerns about the new regulations. Most of the questions and comments received involved issues such as stakeholders’ accessibility to OASIS (the Appeals Board electronic file and scheduling system), faster receipt of Decisions After Reconsideration and Board decisions, and a few comments regarding enhancing the efficiency of Board hearings, e.g., authority to reach settlement.

Litigation

Decisions After Reconsideration

Rios Farming Company, LLC, Cal/OSHA App. 1336276, Decision After Reconsideration (Feb. 6, 2023)

The Board adopted the Decision of the Administrative Law Judge (ALJ) as its own and incorporated said Decision into its Decision After Reconsideration (DAR).

This matter is of significance because the ALJ’s Decision addresses in depth, for the first time, what it means to locate drinking water “as close as practicable to the areas where employees are working,” as required by the Maria Isabel Vasquez Jimenez Heat Illness Standard, which applies to all outdoor places of employment. (California Code of Regulations, title 8, § 3395, subd. (c).) Failure to locate water as close as practicable to the area where employees are working may result in employees not drinking water frequently enough, which can put them at risk for heat illness. The Division of Occupational Safety and Health (the Division) cited Rios Farming Company, LLC (Employer) in response to an employee complaint that Employer was not adequately providing water to workers at a vineyard. The Division alleged that Employer “failed to ensure that drinking water drinking water was located as close as practicable to the areas where employees are working.” “Practicable” is not defined in the regulation, and thus required interpretation.

Here, a crew of about 13 employees worked outdoors in the vineyard, training and pruning grapevines. The vineyard consisted of rows of grapevines supported by a trellis system, consisting of posts, support wires, and a drip irrigation line, which ran the length of each row. The trellises were about five and a half feet high, and the irrigation line was about a foot off the ground. The vines and trellis system thus created a barrier to moving across the rows. Crossing the trellises required an employee to perform coordinated movements of stepping over, balancing, and bending, multiple times.

Employer placed water in two locations. A water jug was located at one end of the center vineyard row where the crew was working. Vineyard employees worked in multiple rows at a time, with one employee in the center row, where a shade trailer, which traveled with the crew as they worked, was located, and one employee in each of about five rows out from both sides of the shade trailer. The vineyard was configured diagonally, so that some rows were much longer than others. At the time of inspection, the member of the crew in the center row, with the shade trailer, was approximately 1,500 feet into a row that was 2,100 feet long, and thus approximately 1,500 feet away from the water jug located at the end of that row.

Another water jug was located on the shade trailer. The rows of trellises were about eight feet apart. Although the farthest worker was, at most, physically only 40 feet from the drinking water, employees not working in the row with the shade trailer had to cross through one or more rows of grapevine trellises in order to get to the water jug on the shade trailer. Some employees brought their own plastic water bottles to pass from one coworker to the next in adjacent rows, to be filled with water at the water jug located on the shade trailer and then passed back, rather than cross the trellises to get to the water.

To interpret the term “practicable” in the context of section 3395, the ALJ analyzed the regulatory history of the “as close as practicable” standard. The ALJ noted that during the 2015 amendment process of section 3395, a proposed amendment to subdivision (c) would have added language requiring that water be located within 400 feet of employees, unless it was not possible to place water within that distance due to worksite conditions. The Occupational Safety and Health Standards Board (Standards Board) ultimately removed this language in response to public comments from agricultural industry stakeholders. The “as close as practicable” requirement is therefore a performance standard, which establishes a requirement but leaves employers free to determine the most appropriate method of compliance under various working conditions.

Adept Process Services, Cal/OSHA App. 157034, Decision After Reconsideration and Order of Remand (Apr. 24, 2023)

The Board took Employer’s interlocutory Petition under submission to address the question of whether Board proceedings must be stayed in their entirety when a matter is referred to the Division’s Bureau of Investigation (BOI). The Board concluded that neither the Board’s regulations nor California and federal precedent require a stay of administrative proceedings. The Board therefore remanded the matter to hearing operations, setting forth consideration for the hearing office to weigh in exercising the discretion on a request to stay.

Appellate Court Case

The Court of Appeal of the State of California, Third Appellate District, issued a published opinion in the matter of ***L&S Framing Inc. v. California Occupational Safety and Health Appeals Board***, Case No. C096386. The Supreme Court denied the employer's petition for review in this matter, meaning the matter is now final.

The underlying matter involves citations issued by the Division of Occupational Safety and Health (Division) following an incident in which an employee fell ten feet onto a concrete floor, through the unprotected interior edge of a floor opening on a construction site, sustaining a serious traumatic brain injury.

On appeal, the issue was whether the Appeals Board properly allowed the Division to amend a citation twice, after commencement of the hearing, to plead violations of other safety orders in the alternative, and to conform to proof.

During the course of a hearing before an ALJ, the Division filed three motions to amend the citations issued to Employer, two of which the ALJ rejected, but which the Board granted upon reconsideration, finding the amendments were both permissible and appropriate. The Appeals Board found that the amendments were permitted by its regulations and statutes, and, after finding no evidence of bad faith, futility, and prejudice, found that the amendments were appropriate. The Placer County Superior Court denied Employer's subsequent writ petition, concluding that the Board's DAR granting the amendment was reasonable and supported by substantial evidence.

In an opinion published on July 24, 2023, the Appellate Court agreed, and found that the Board's regulations permitting amendments to citations were consistent with governing statutes in the Labor Code and the Government Code. Addressing the mid-hearing amendment, the Appellate court concluded that Employer failed to establish it would be prejudiced by this amendment, because the amendment did not change the facts alleged in the original citation. With regard to the post-hearing amendment, the Appellate Court found that there was no indication of prejudice because the parties had actually tried the case on the theory added by the amendment. Further, the Appellate Court noted that the Board's actions, in allowing alternative pleading, were consistent with the modern practice in courts.

Occupational Safety and Health Standards Board (OSHSB)

The Standards Board is the only body in the State authorized to adopt workplace safety and health regulations for California. The drafting of safety regulations is undertaken by the Standards Board staff, while health regulations are drafted by the Division of Occupational Safety and Health (Cal/OSHA). Proposals are then considered by the Standards Board for adoption. The Standards Board also provides robust review to those regulations drafted by Cal/OSHA, and in 2023, this included a number of significant, large regulatory packages, including Heat Illness in Indoor Places of Employment, Lead, and the Respirable Crystalline Silica emergency temporary standard.

The Standards Board continues to adjudicate a high number of permanent variance requests, primarily related to the title 8 elevator safety orders, but also touching upon a number of matters including confined spaces, construction personnel hoists, fit testing for PPE, and other matters.

Hybrid Meetings and Remote Participation

Since March of 2020, the Standards Board has provided remote access options for public participation at its monthly Board Meetings. This has vastly expanded opportunities for engagement with all stakeholders, but especially low-wage and hourly workers who face additional barriers to providing in-person testimony. The Standards Board provides livestreaming of its Board meetings in English and Spanish, and this has led to more diverse feedback and allowed the Standards Board to better consider regulatory impact across California's workforce.

Advisory Committees

Three OSHSB Advisory Committee meetings were held during FFY 2023. These pre-rulemaking, open public advisory meetings allowed stakeholders to provide feedback on a variety of topics, specifically concerning Walking Working Surfaces, Firefighters' Personal Protective Equipment and Construction Elevators for Hoisting Workers.

Proposed Safety Regulations

Section 1635. Standards Board engineering staff with the Standards Board have been developing amendments to section 1635, Steel Erection – Fall Protection Around Floor Openings and use of Cone and Bar Barricades. This update to the regulations will help prevent falls through floor openings in unfinished floors of buildings by clarifying what is considered a barricade. Specifically, the update eliminates the use of rope, caution tape and piled materials as a barricade, and it incorporates the use of a safer option: a cone and bar barricade system around floor openings in addition to the use of temporary railings or coverings required by section 1632.

Sections 1951, 1952, 1953, 1955, 1956, 1960, and 5156. Standards Board engineering staff continued work on this 'cleanup' package of the confined spaces in construction standards, which will, upon completion, lead to a clearer and more understandable set of regulations.

Section 5144 Appendix A. Standards Board engineering staff are working on amending Appendix A to add two additional quantitative fit testing protocols that OSHA has approved for inclusion in appendix A of the Respiratory Protection Standard. These protocols will serve as alternatives to the four existing quantitative fit testing protocols already listed in appendix A of the Respiratory Protection Standard and will maintain safety and health protections for workers while providing additional flexibility and reducing compliance burdens.

Regulations

New or revised Title 8 California Code of Regulations in FFY 2023:

Administrative Regulations

Section 336, Assessment of Civil Penalties. (Effective January 1, 2023). 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

GIISO Sections 3401, Section 3402, New Sections 3402.1 - 3402.3, Sections 3403 - 3410, New Section 3410.1 and Section 3411 (Effective January 2023). These regulations update and bring into alignment Article 10.1, Personal Protective Clothing and Equipment (PPE) for Fire Fighters with the standards promulgated by the National Fire Protection Association (NFPA). This rulemaking was initiated to address issues of obsolete PPE descriptions in title 8 regulations that no longer apply to modern, more advanced equipment, to update NFPA consensus standard references to more current standards that can be more easily accessed by the regulated public and to require more extensive cleaning of PPE to address potential exposures from contamination.

Health Regulations

Sections 3205, 3205.1, 3205.2, and 3205.3 (Effective February 2023). These Non-emergency regulations require employers to protect employees from exposure to COVID-19. The regulations apply except when employees work from home, work in locations where there is no contact with others, telework in locations not in the employer's control, or when the Aerosol Transmissible Diseases Standard, section 5199 covers employees. The Non-emergency regulations primarily extend the requirements of the emergency temporary standards for two additional years (3 years for recordkeeping requirements) to allow for the development of a General Industry infectious disease standard. This two-year set of regulations, states, among other things, that employers must establish, implement, and maintain a written COVID-19 prevention program meeting certain specific requirements; must offer COVID-19 testing to employees who are symptomatic or who had a close contact; must follow any CDPH requirements about face coverings; must provide face coverings upon request; and must meet notice and recordkeeping requirements. The regulations contain additional control requirements when there are outbreaks, when employees use employer-provided housing, and when employees use employer-provided motor vehicle transportation.

Legislation

A number of bills affecting Cal/OSHA were chaptered during the reporting period. 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 elaborate on the 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.¹⁹

AB 521 (Bauer-Kahan) Occupational safety and health standards: construction jobsites: toilet facilities.²⁰

Effective October 8, 2023. New Labor Code Section 6722: This section requires that, by December 1, 2025, the Standards Board draft a rulemaking proposal to consider revising T8 CCR 1526 to require at least one single-user facility on all construction jobsites that is designed for employees who self-identify as female or non-binary. Additionally, by December 31, 2025, the Standards Board must consider adopting those revised standards. Amended Health and Safety Code 118600: New subsection (e) clarifies that HSC 118600 does not apply to construction jobsites as defined in new LC 6722.

AB 752 (Rubio) State highways: worker safety.²¹

Amended Streets and Highways Code §92.1: this section requires that the Department of Transportation submit a report to the Legislature by January 1, 2024, specifying the use of positive protection measures for all covered activity that would isolate works or work zones from traffic. This bill would allow for optional safety measures to be used when they are not required and for the contractor to receive compensation for the use of such. Any contractor using optional safety measures shall use the safety measure in accordance with the Department's guidance, and Cal/OSHA may adopt regulations as necessary and appropriate to administer and enforce the use of optional devices (in consultation with DOT).

AB 1007 (Ortega) Occupational safety and health standards: plume.²²

Effective January 1, 2024. New Labor Code Section 144.9: This section requires that, by December 1, 2026, Cal/OSHA submit a proposed regulation to OSHSB requiring hospitals to evacuate or use a plume scavenging system in any setting where techniques are used that create plume. In developing the regulation, Cal/OSHA is required to consider certain standards adopted by other organizations as benchmarks and include specific requirements related to training and engineering and work practice controls. By June 1, 2027, OSHSB must consider the proposed regulation for adoption.

AB 1228 (Holden) Fast Food Council: health, safety, employment, and minimum wage.²³

This bill replaces the Fast Food Council established by Labor Code Sections 1470, 1471, 1472,

¹⁹ In general, chaptered bills take effect January 1 unless they contain an urgency clause, in which case they take effect immediately when chaptered. It is also possible for a bill to specify its effective date.

²⁰ Bill text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB521.

²¹ Bill text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB752.

²² Bill text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1007.

²³ Bill text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1228.

and 1473, under AB 226, which was suspended due to a referendum petition. If the referendum is withdrawn, this bill will take effect January 1, 2024.

Under new section LC 1474-1476, until January 1, 2029, this bill would establish the Fast Food Council and prescribe the council's purposes, duties, and limitations, establish an hourly minimum wage for fast food restaurant employees, authorize the council to increase the hourly minimum wage pursuant to specified parameters, and set forth requirements, limitations, and procedures for adopting and reviewing fast food restaurant health, safety, and employment standards. The bill would require all standards, rules, and regulations developed by the council to be issued, amended, or repealed, as applicable, in the manner prescribed in the Administrative Procedure Act. OSHSB must respond within 6 months, or 90 days if the Petition is for emergency regulations. As modified, the council is required to petition the Occupational Safety and Health Standards Board and the Civil Rights Council if any minimum standards fall within their jurisdiction.

AB 1766 (Committee on Labor and Employment) Division of Occupational Safety and Health: regulations.²⁴

This bill would require the division to formulate and propose rules and regulations for adoption by the Occupational Safety and Health Standards Board for the safe design, manufacture, installation, repair, maintenance, use, operation, and inspection of all passenger tramways as necessary to protect the public. The bill would require the division to adopt all other rules and regulations necessary for the administration and enforcement of these provisions on passenger tramways.

SB 553 (Cortese) Occupational safety: workplace violence: restraining orders and workplace violence prevention plan.²⁵

Effective July 1, 2024.

Amended Labor Code Section 6401.7. This section requires employers to develop and implement a workplace violence prevention plan in accordance with the new Labor Code Section 6401.9, which sets out the requirements for the plan. New Labor Code Section 6401.9, subdivisions (a)-(i)

This section provides definitions of terms related to workplace violence, applicability as a general industry standard, and outlines the elements required in an employer's workplace violence prevention plan. The subdivisions are summarized as follows:

Defines several workplace violence prevention terms.

Makes Section 6401.9 applicable to all employers, employees, places of employment, and employer-provided housing, with exceptions to specific employers or circumstances.

²⁴ Bill text: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1766

²⁵ Bill text: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB553

Requires employers to establish a written workplace violence prevention plan that involves employees, includes procedures for reporting incidents, and details training and emergency response measures.

Requires employers to maintain a violent incident log for each workplace violence incident, recording various details about the incident, including date, time, location, types of violence consequences, and personal information.

Requires employers to provide training to employees about workplace violence prevention with training material that is appropriate to the employees' educational level and language.

Requires employers to keep records of workplace violence hazard identification, evaluation, correction, training, violent incident logs, and incident investigations to be maintained and made available to the division, employees, and their representatives.

Allows the Division to enforce by citing directly to the Labor Code.

Tasks the Division with proposing standards regarding workplace violence no later than December 31, 2025, and the Standards board is to adopt these standards no later than December 31, 2026.

Makes subdivisions (b) to (g) operative on and after July 1, 2024.

SB 626 (Rubio) Smoking tobacco in the workplace: transient lodging establishments.²⁶

Effective – January 1, 2024. This bill would amend Labor Code Section 6404.5 and eliminate the existing exemption which allows smoking in up to twenty percent of guestroom accommodations in hotels, motels, or similar transient lodging establishments. This bill would protect guests and employees of lodging establishments from the hazards of secondhand smoke. This bill would also amend the existing language to use gender neutral terms. The Division was neutral of this bill to ensure all California employees are protected from the hazards of secondhand smoke exposure. Generally, the Division conducts inspections of places of employment after receiving a complaint regarding hazardous conditions or following a workplace accident. If the Division finds the employer has violated any safety order, it will issue a citation(s) and penalties under T8 CCR, Section 5148(a). However, smoking in the workplace is enforced by local law enforcement agencies, including but not limited to, local health departments. Therefore, the Division's enforcement in this area is limited and seldomly receives complaints.

SB X1-2 (Skinner) Energy: transportation fuels: supply and pricing: maximum gross gasoline refining margin.²⁷

This bill requires the California Energy Commission to consider rulemaking on ways to manage the timing of oil refinery turnarounds and maintenance. The CEC will also have to prepare a triennial report (first one due 12/31/23) on this issue. The CEC is to consult with LWDA (meaning DOSH PSM) about ensuring worker and community safety were the CEC to mandate or regulate maintenance schedules at refineries.

²⁶ Bill text: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB626

²⁷ Bill text: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320241SB2&search_keywords=transportation+fuels

Summary of Annual Performance Plan Results

Performance Goals

The Federal FFY 2023 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 Citations 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.

The inspection data presented in the subsequent performance plan results is based on the report run date as indicated. It is important to note that information derived from the OSHA Information System (OIS) database may undergo review and updates over time as new data is entered and adjustments are made within the OIS database. Therefore, the figures presented should be considered reflective of the state of the data at the time of the report run date and are subject to potential changes as the database is further updated.

**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												
<p>Activity Measures</p>	<ul style="list-style-type: none"> Conduct approximately 2,800 inspections combined for construction, agriculture, and tree trimming. Approximately 10% of the construction inspections will be programmed. Attempt to sustain a 1% higher percentage of the serious classification of citations issued as result of these inspections. 	<ul style="list-style-type: none"> 2,510 combined inspections were conducted in construction, agriculture, and tree trimming²⁸ during FFY 2023, as reflected by OIS as of December 6, 2023. 20% (398 out of 1,951) construction inspections opened in FFY 2023 were programmed. The percent of serious²⁹ citations issued in FFY 2023 as a result of inspections in these industries that were sustained were as follows: <table border="1" data-bbox="961 1110 1377 1247"> <thead> <tr> <th></th> <th>FFY 2022</th> <th>FFY 2023</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td>82%</td> <td>85%</td> </tr> <tr> <td>Construction</td> <td>80%</td> <td>89%</td> </tr> <tr> <td>Tree Trimming</td> <td>66%</td> <td>94%</td> </tr> </tbody> </table> <p>FFY 22 and 23 OIS data as of December 6, 2023</p> 		FFY 2022	FFY 2023	Agriculture	82%	85%	Construction	80%	89%	Tree Trimming	66%	94%	<ul style="list-style-type: none"> This goal was not achieved. This goal was achieved. This goal was achieved. The numbers are subject to change as cases are adjudicated.
	FFY 2022	FFY 2023													
Agriculture	82%	85%													
Construction	80%	89%													
Tree Trimming	66%	94%													

²⁸ Tree trimming hazards are captured in OIS utilizing Additional State Reference Code S-12-TREE TRIM. In the case of inspections coded 'S-12-TREE TRIM' with a related Site NAICS in Agriculture (NAICS: 11XXXX) or Construction (NAICS: 23XXXX), inspections were tallied in the respective Site NAICS pool to prevent duplication of counting in the Tree Trimming category.

²⁹ Data may include Serious, Willful-Serious, and Repeat-Serious violation types. The data considers violations where the initial violation type and the current violation type includes serious, and a final order date is reflected in OIS at the time of reporting.

Goal 1.1 Targeting the Mobile Workforce (cont.)

Performance Indicator Type	Indicator	Results	Comments																								
<p>Outcome Measures</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 1% compared to FFY 2020. Trenching and excavation hazards abated will increase by 5% compared to FFY 2017. Number of employees removed from serious hazards as a result of these inspections will increase by 1% compared to FFY 2020. 	<ul style="list-style-type: none"> For serious³⁰ violations issued in FFY 2023, not currently under contest, abatement rates are as follows: 96% - Agriculture 96% - Construction 88% - Tree Trimming The number of serious hazards eliminated as a result of these inspections were: <table border="1" data-bbox="961 565 1381 698"> <thead> <tr> <th></th> <th>FFY 2020</th> <th>FFY 2023</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td>315</td> <td>216</td> </tr> <tr> <td>Construction</td> <td>870</td> <td>773</td> </tr> <tr> <td>Tree Trimming</td> <td>43</td> <td>62</td> </tr> </tbody> </table> FFY 2020 and 2023 OIS data as of Dec. 6, 2023 The OSHA National Office tracks the achievement of this agency priority goal (APG). The number of employees removed from serious hazards as a result of these inspections were as follows: <table border="1" data-bbox="961 998 1381 1131"> <thead> <tr> <th></th> <th>FFY 2020</th> <th>FFY 2023</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td>3,375</td> <td>2,476</td> </tr> <tr> <td>Construction</td> <td>3,628</td> <td>3,435</td> </tr> <tr> <td>Tree Trimming</td> <td>98</td> <td>257</td> </tr> </tbody> </table> FFY 2020 and 2023 OIS data as of Dec. 6, 2023 		FFY 2020	FFY 2023	Agriculture	315	216	Construction	870	773	Tree Trimming	43	62		FFY 2020	FFY 2023	Agriculture	3,375	2,476	Construction	3,628	3,435	Tree Trimming	98	257	<ul style="list-style-type: none"> This goal was achieved in two of the three industries. Whenever possible, Cal/OSHA field staff attempt to secure abatement of these hazards while on-site. This goal was not met in two of the three industries. The number of serious hazards eliminated in Tree Trimming increased by 44% compared to FFY 2020. The OSHA National Office tracks the achievement of this agency priority goal (APG). This goal was not met in two of the three industries.
	FFY 2020	FFY 2023																									
Agriculture	315	216																									
Construction	870	773																									
Tree Trimming	43	62																									
	FFY 2020	FFY 2023																									
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³⁰ Data may include Serious, Willful-Serious, and Repeat-Serious violation types. The data considers violations where the initial violation type includes serious, and a final order date is reflected in OIS at the time of reporting.

**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 350 targeted inspections of establishments in high hazard industries from the High Hazard Industries list. 	<ul style="list-style-type: none"> 404 targeted inspections were conducted during FFY 2023 by the High Hazard Enforcement Unit (HHU) and other district offices, as reflected by OIS as of December 6, 2023. 	<ul style="list-style-type: none"> This goal was achieved.
Outcome Measures	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these inspections will be achieved in 98% of cases. Percentage of Programmed inspections conducted in High Hazard establishments, with Serious/Willful/Repeat (S/W/R) violations will be 62% 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 5.2. 	<ul style="list-style-type: none"> 99% of serious³¹ violations issued FFY 2023 not currently under contest, cited as the result of HHU targeted inspections and district office programmed inspections (coded REGIONP1), were abated. 47% of Programmed inspections conducted in High Hazard establishments had S/W/R violations in issued FFY 2023. 91% of Programmed inspections conducted in High Hazard establishments had violations cited in FFY 2023. The average number of violations per inspection with violations was 4.6 for programmed inspections with violations cited in FFY 2023. 	<ul style="list-style-type: none"> This goal was achieved. This goal not met. This goal was achieved. This goal not met.

³¹ Data may include Serious, Willful-Serious, and Repeat-Serious violation types. The data considers violations where the initial violation type and the current violation type includes serious, and a final order date is reflected in OIS at the time of reporting.

**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
<p>Activity Measures</p>	<ul style="list-style-type: none"> The Cal/OSHA Process Safety Management (PSM) Unit will conduct a total of 30 programmed inspections at facilities, other than petroleum refineries, that meet the trigger threshold quantities for the PSM standard. Participate in six 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"> 37 programmed inspections were conducted in FFY 2023 at facilities other than petroleum refineries that meet the trigger threshold quantities for the PSM standard, as reflected by OIS on December 6, 2023. The PSM Unit staff participated in 11 outreach/compliance assistance activities provided to industry/professional groups, during FFY 2023. Three comprehensive programmed inspections of petroleum refineries (NAICS 324110) were conducted by the PSM Unit during normal operating conditions in FFY 2023. Five turnaround inspections of petroleum refineries (NAICS 324110) were opened FFY 2023 by the PSM Unit, with three in the North and two³² in the South, in accordance with Labor Code 7872. 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved. This goal was not met. During FFY 2023, resources were dedicated to conducting a turnaround inspection that the refinery rescheduled from the end of FFY 2022 to the beginning of FFY 2023. This goal was achieved.

³² OIS Scan Summary report dated December 6, 2023, reflected two inspections of petroleum refineries (NAICS: 324110) opened FFY 2023 marked partial scope because Cal/OSHA plans to issue citations. At the time of reporting these inspections are open and ongoing.

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

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> The PSM Unit will conduct follow-up inspections at establishments other than petroleum refineries for 2% of all inspection types, whether programmed or unprogrammed. 	<ul style="list-style-type: none"> Three follow-up inspections were conducted by the PSM Unit during FFY 2023. 	<ul style="list-style-type: none"> This goal was achieved. The PSM Unit had 55 non-follow-up inspections³³ at establishments other than petroleum refineries, which would have required at least two follow-up inspections opened in FFY 2023 (2% of 55 is 1.1).
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"> 96% of serious³⁴ violations issued during FFY 2023, not currently under contest, were abated, as reflected in OIS as of December 6, 2023. There were no fatalities and/or serious injuries/illnesses attributable to violations of the PSM standard (T8 CCR 5189 and 5189.1) at a covered facility during CY 2023 YTD³⁵ as reflected by OIS reports and internal tracking by PSM management staff. 	<ul style="list-style-type: none"> This goal was not met. This goal 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 (CY 2020- 2022) is 2.0.³⁶ However, it should be noted that no serious injuries/illnesses attributable to violations of the PSM standard (T8 CCR 5189 and 5189.1) at covered facilities at the time of reporting.

³³ The 55 non-follow-up inspections are comprised of inspections with violations issued in FFY 2023, not currently under contest, and with abatement in establishments other than petroleum refineries (NAICS: 324110).

³⁴ Data may include Serious, Willful-Serious, and Repeat-Serious violation types. The data considers violations where the initial violation type includes serious, and a final order date is reflected in OIS at the time of reporting.

³⁵ This data is reported as reflected on the OIS Scan Detail Report dated December 18, 2023.

³⁶ The number of fatalities and serious injuries/illnesses attributable to violation of the PSM standard for calendar years 2020, 2021, and 2022 were 3, 1, and 2 respectively.

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
<p>Activity Measures</p>	<ul style="list-style-type: none"> • Conduct 2,300 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 20,000 units of heat illness prevention outreach materials during inspections and outreach events. 	<ul style="list-style-type: none"> • 3,169 inspections were conducted where outdoor heat hazards were evaluated (coded S-18-HEAT) during FFY 2023, as reflected in OIS as of December 6, 2023. • 175 outreach events were conducted where heat illness was emphasized during FFY 2023. • 30,443 units of heat illness prevention materials were distributed during outreach events alone during FFY 2023. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was exceeded. • This goal was exceeded.

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"> Abatement of non-contested heat hazards found in outdoor places of employment will be achieved in 95% of cases. 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 2015-2018. 	<ul style="list-style-type: none"> 84% of inspections in FFY 2023 (all industries) where outdoor heat hazards were evaluated (T8 CCR 3395), not currently under contest, were abated. This is reflected in OIS as of December 6, 2023. There number of confirmed heat-related illnesses and confirmed outdoor heat related fatalities were: <table border="1" data-bbox="982 623 1381 816"> <thead> <tr> <th></th> <th colspan="3">CY</th> </tr> <tr> <th>Confirmed Outdoor Heat</th> <th>CY 2022</th> <th>CY 2023</th> <th>2015-2018 Baseline Average³⁷</th> </tr> </thead> <tbody> <tr> <td>Illnesses</td> <td>83</td> <td>30</td> <td>66.5</td> </tr> <tr> <td>Fatalities</td> <td>2</td> <td>1</td> <td>1.25</td> </tr> </tbody> </table> <p>CY 2023 YTD data as of December 28, 2023</p> 		CY			Confirmed Outdoor Heat	CY 2022	CY 2023	2015-2018 Baseline Average ³⁷	Illnesses	83	30	66.5	Fatalities	2	1	1.25	<ul style="list-style-type: none"> This goal was not met. Cal/OSHA prioritizes working with employers to obtain abatement. This goal was achieved when comparing baseline to CY 2015-2018. Illnesses and fatalities in CY 2023 are still pending confirmation.
	CY																		
Confirmed Outdoor Heat	CY 2022	CY 2023	2015-2018 Baseline Average ³⁷																
Illnesses	83	30	66.5																
Fatalities	2	1	1.25																

³⁷ The number of heat-related illness for calendar years 2015, 2016, 2017, and 2018 based on Cal/OSHA internal tracking were respectively 63, 52, 78, and 73. The number of worker fatalities due to outdoor heat exposure for calendar years 2015, 2016, 2017, and 2018 based on Cal/OSHA internal tracking were respectively 1, 1, 1 and 2.

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
<p>Activity Measures</p>	<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. These publications will be distributed electronically and through printed format depending on the requestor's needs or the type of event. Publication distribution will exceed 25,000 in total. Cal/OSHA staff will participate in 150 training and outreach events in FFY 2023 for high-risk, vulnerable workers organized by worker and community organizations University programs, state and local government, labor unions, and consulates. 	<ul style="list-style-type: none"> Over 72,281 physical publications and links to publications were distributed during FFY 2023 outreach events with vulnerable workers.³⁸ Cal/OSHA staff participated in 297 outreach events with vulnerable workers. 	<ul style="list-style-type: none"> This goal was exceeded. This goal was achieved.

³⁸ Emailed links are not included in this sum, which only includes physical documents and links provided directly to participants during events.

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

Performance Indicator Type	Indicator	Results	Comments
<p>Activity Measures</p>	<ul style="list-style-type: none"> • BCELS will identify and contact two community-based organizations and two labor unions who represent workers in high-hazard industries and invite them to attend and participate in trainings, and to include BCEL staff in at least one of their own outreach events. • Cal/OSHA will create two instructional audio/video recordings and post them for public access. 	<ul style="list-style-type: none"> • BCELS have: <ul style="list-style-type: none"> ○ Identified two (2) community-based organizations and two (2) labor unions who represent workers in high-hazard industries. ○ Invited two (2) community-based organizations (CBOs) and two (2) labor unions who represent workers in high-hazard industries to participate in training. ○ BCELS have been included in two (2) outreach events of the identified community-based organizations and labor unions who represent workers in high-hazard industries. • Cal/OSHA has created and posted two³⁹ instructional audio/visual recordings for public access. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved.

³⁹ Statewide Trainings – Wildfire Smoke Protections (10/3/2022; ENG): <https://vimeo.com/757631016/27530ad935?share=copy>.
 Statewide Trainings – Wildfire Smoke Protections (10/5/2022; ESP): <https://vimeo.com/757346245/d2569b8b86?share=copy>

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"> • After attending the training and outreach events, at least 1,200 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. • Cal/OSHA will randomly select five outreach event requestors or attendees to provide a pre and post event survey on their subject knowledge from before and after training. • Cal/OSHA will create a training course with three modules to be offered to workers' advocates and labor representatives, covering 1) workplace safety and health hazards, 2) workers' rights, and 3) how to exercise those rights. 	<ul style="list-style-type: none"> • 72,281 event participants were provided information about workplace health and safety hazards, workers' rights under the law and how to exercise these rights. About 205,700⁴⁰ workers gained health and safety knowledge through trainings conducted by event participants. • Cal/OSHA randomly selected 16 outreach events and provided a pre and post event survey. The total received exceeds 10. • Cal/OSHA developed and continues to maintain its Cal/OSHA Training Academy training platform for employers and workers and contains materials in both English and Spanish. Additionally, training modules have been created and presented to CBOs and workers related to the three itemized topics. 	<ul style="list-style-type: none"> • This goal was exceeded. • This goal was exceeded. • This goal was achieved.

⁴⁰ This is based on surveying participants.

**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 unit will hold three, and Cal/VPP Construction unit will hold two workshops (via webinar) to promote these programs. 	<ul style="list-style-type: none"> Neither unit conducted promotional workshops, seminars, or webinars in FFY 2023. 	<ul style="list-style-type: none"> This goal was not met.
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 two will be renewed. 	<ul style="list-style-type: none"> 10 new establishments were added into the Division's leadership level for fixed establishments (Cal/VPP) and 12 were renewed during FFY 2023. Also, five applications are under review. Five new establishments were added into the Division's leadership level partnership program for construction VPP worksites (Cal/VPP - Construction) and no sites were renewed during FFY 2023. Also, nine applications are under review. 	<ul style="list-style-type: none"> The goal was exceeded for new sites and almost met for renewals. The goal was nearly met for new worksites. The worksites not renewed was because of project completion.

**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
<p>Activity Measures</p>	<ul style="list-style-type: none"> • Identify 16 potential participants that meet the requirements for alliances. • Enter into a dialogue with 8 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 four organizations with which to enter into alliance agreements. 	<ul style="list-style-type: none"> • 18 potential participants were identified that meet the requirements for alliances. • Cal/OSHA entered into a dialogue with 14 potential participants to explain the purposes, requirements, and expectations of alliances. • Five (5) organizations were selected for entering into alliance agreements. 	<ul style="list-style-type: none"> • This goal was exceeded. • This goal was exceeded. • This goal was exceeded.
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • Cal/OSHA will sign two 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"> • Three (3) Alliance Agreements were entered into in FFY 2023. These are two-year, renewable agreements. • Work plans developed describing specific activities that will be completed during the two-year contract. • Cal/OSHA and alliance participants agreed upon a date to begin implementing the actions agreed upon. 	<ul style="list-style-type: none"> • This goal was exceeded. • This goal was achieved. • This goal was 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: Create a short video presentation in multiple languages, and social media content, 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
<p>Activity Measures</p>	<ul style="list-style-type: none"> • Create short videos describing employees' anti-retaliation rights under CA Labor Code sections 6310 and 6311. • Distribute an approved flyer with information on an employee's right to report unsafe work conditions or to report a workplace injury without fear of retaliation. • Use an infographic on workers' rights to report unsafe working conditions to post on DLSE's and DIR's Facebook, Instagram, and Twitter platforms. 	<ul style="list-style-type: none"> • Videos in six languages have been created: English, Spanish, Punjabi, Mandarin, Cantonese, and Chatino. • Flyer has been created and posted to DLSE's website.⁴¹ • An infographic was created and shared on DLSE's Facebook, Instagram, and Twitter accounts on July 31, 2022. Three Infographics were created and shared on X (formerly Twitter), Instagram, and LinkedIn on July 17, 27, and 31, 2023. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved. • This goal was achieved.

⁴¹ DIR - Labor Commissioner's Office Website: https://www.dir.ca.gov/dlse/rci_osh_a_complaint.htm
 Employees are Protected from Retaliation (Flyer): https://www.dir.ca.gov/dlse/Employees-Are-Protected_OSHA-Retaliation.pdf

Goal 2.5 Increase Employers’ Awareness of Activities Protected from Retaliation or Discrimination (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • Post one informational video onto the DIR website describing employees’ anti-retaliation rights under CA Labor Code sections 6310 and 6311. • Link approved flyer or infographic with information on an employee’s right to report unsafe work conditions or to report a workplace injury without fear of retaliation on five social media platforms, association newsletters/emails, or other community websites. • Distribute 100 flyers about protections for reporting workplace health and safety or injury concerns through on-site inspections or through correspondence with Licensing and Registration Unit. 	<ul style="list-style-type: none"> • Videos about Protection from Retaliation for Reporting Unsafe Working Conditions can be accessed on DSLE’s website.⁴² • Infographic was created and shared on DLSE’s Facebook, Instagram, and X (formerly Twitter) accounts on July 31, 2022. Three Infographics were created and shared on X, Instagram, and LinkedIn on July 17, 27, and 31, 2023. In December 2022, infographics were also included in a statewide briefing to Community Based Organization (CBO) participants for a COVID Workplace Outreach Project and CDPH’s COVID Community Health Projects and emailed to 55 CBO partners to be shared on association newsletters/emails, or other community websites. • DLSE Bureau of Field Enforcement (BOFE) has distributed an excess of 100 anti-retaliation flyers during on-site inspections. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved. • This goal was achieved.

⁴² Direct links to the Videos about Protection from Retaliation for Reporting Unsafe Working Conditions can be found under Links to Other Resources section of the website: https://www.dir.ca.gov/dlse/rci_osh_a_complaint.htm.

Goal 2.5 Increase Employers' Awareness of Activities Protected from Retaliation or Discrimination (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • Develop training and/or training materials for employers' use regarding workplace health and safety rights and anti-retaliation laws protecting employees for reporting unsafe work conditions or workplace injuries. • 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. • Five agreements for employer provided training to staff regarding workplace health and safety rights and anti-retaliation laws protecting employees for reporting unsafe work conditions or workplace injuries. 	<ul style="list-style-type: none"> • DLSE, in conjunction with the California Employment Development Department, conducts monthly training seminars for California employers. This interactive online seminar provides employers with essential information regarding state labor laws and payroll tax requirements. These seminars are held 1-2 times each month. The seminar includes training on workplace health and safety rights and anti-retaliation laws protecting employees for reporting unsafe work conditions or workplace injuries. • At least 8 RCI/OSHA cases settled in FY22/23 have settlement agreements that include a posting notice provision. • In FY22/23, six retaliation investigations resulted in settlement agreements where employers agreed to provide staff with additional training on labor laws, including anti-retaliation laws and workplace health and safety rights. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved. • This 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
<p>Activity Measures</p>	<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 district offices did not consistently run these reports on a weekly and monthly basis, respectively. • Cal/OSHA staff continues to run 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 continues to run the OIS Open Inspections report basis and works with CSHOs to identify less complicated cases without serious citations with the goal of issuing citations as soon as possible. • Cal/OSHA staff continues to periodically monitor the SAMMs and Open Inspection reports to track citation lapse time and other measures. 	<ul style="list-style-type: none"> • This goal was partially achieved. Cal/OSHA’s hiring efforts including regional and district office managers and administrative staff, continued throughout FFY 2023. This should improve report running consistency in the future. • This goal was achieved. • For the staffing issues stated above, this goal was partially achieved. • This goal was achieved.

Goal 3.1 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. 	<ul style="list-style-type: none"> • Cal/OSHA responded within an average of 3.16 work days to all serious complaints (formal and non-formal), and within 14.26 calendar days to all non-serious complaints (formal and non-formal), as reflected by CA SAMMs #CA-1A and CA-1B dated December 6, 2023. • Cal/OSHA responded to 99.25% of imminent hazard complaints/referrals within one work day of receipt, as reflected by SAMMs #03 dated December 6, 2023. • Cal/OSHA responded to 92.78% work related fatality reports within one work day of receipt, as reflected by SAMMs #10 dated December 6, 2023. 	<ul style="list-style-type: none"> • This goal was not met. • This goal was not met. One outlier exists related to SAMMs #03, where an entry date exceeded one day. This deviation occurred when the CSHO attempted to open the inspection on the same day but found the employer was no longer available. Consequently, a return visit was necessary, causing the reattempt on the following day and exceeding the one-day response target. • This goal was not met. There were 13 fatalities with response time exceeded one work day. Factors contributing to these delays included the presence of ongoing law enforcement activities, which hindered timely access to the site. Additionally, the need for extended fact-finding activities to determine the cause of death and jurisdiction also contributed to the response time variance.

Goal 3.1 Timeliness of Inspections Opening and Citations Issuance (cont.)

Performance Indicator Type	Indicator	Results	Comments									
<p>Outcome Measures</p>	<ul style="list-style-type: none"> 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"> Average citation lapse time as reported by OIS SAMMs #11 was as follows: <table border="1" data-bbox="997 375 1339 545"> <thead> <tr> <th></th> <th>FFY 2022</th> <th>FFY 2023</th> </tr> </thead> <tbody> <tr> <td>Safety</td> <td>76.65</td> <td>78.95</td> </tr> <tr> <td>Health</td> <td>78.08</td> <td>75.94</td> </tr> </tbody> </table> <p>FFY 2022 OIS SAMMs #11 dated Dec. 9, 2022 FFY 2023 OIS SAMMs #11 dated Dec. 6, 2023</p> 74% of serious violations cited during FFY 2023 were abated on site, as reflected by OIS as of December 6, 2023. 		FFY 2022	FFY 2023	Safety	76.65	78.95	Health	78.08	75.94	<ul style="list-style-type: none"> This goal was partially achieved. Citation lapse time decreased for health inspections as compared to the previous FFY. This goal was achieved.
	FFY 2022	FFY 2023										
Safety	76.65	78.95										
Health	78.08	75.94										

**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
<p>Activity Measures</p>	<ul style="list-style-type: none"> • A professional development program for newly hired CSHOs will be developed and implemented during: The first year The first three years. • Individual development plans (IDPs) for CSHOs will be developed annually by managers and submitted to the Professional Development and Training Unit (PDTU). • The development 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"> • A 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 • Some individual development plans (IDPs) for CSHOs after the first three years were developed by managers and submitted to PDTU for training analysis needs. • PDTU and management monitored and tracked the implementation of 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 met. • This goal was achieved. • This goal was exceeded.
<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 during, their first five years. 	<ul style="list-style-type: none"> • 100% of newly hired CSHOs received all the required training during their first year. • 96% of the newly hired CSHOs received all the required training during their first three years. • 100% 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 exceeded. • This goal was exceeded. • This goal was exceeded.

**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"> • 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"> • Cal/OSHA Advisory Committee meetings were held during FFY 2023. • 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.
Outcome Measures	<ul style="list-style-type: none"> • Hold at least two Cal/OSHA Advisory Committee meetings. • Hold at least six 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 12 events organized by stakeholder groups and organizations. 	<ul style="list-style-type: none"> • Three Cal/OSHA Advisory Committee meetings were held during FFY 2023. • Seven (7) exploratory and pre-rulemaking open public advisory meetings on emerging topics were held during FFY 2023. • 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 47 events organized by stakeholder groups and organizations. 	<ul style="list-style-type: none"> • This goal was exceeded. • This goal was exceeded. • This goal was achieved. • This goal was exceeded.