1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

1. This is an Appeal from:

[✓] CITATION NO(s): 1 Item No(s): 1-10

[ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION CITATION NO(s): ___________ Item No(s): ___________

[ ] SPECIAL ORDER/SPECIAL ACTION NO: ___________ Item No(s): ___________

2. Specific ground(s) for this appeal are: (Check all that apply)

[✓] The safety order was not violated.

[ ] The classification (i.e. serious, willful, repeat) is incorrect.

[✓] The abatement requirements are unreasonable.

[✓] Required changes  [✓] Time allowed to complete changes

[✓] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

PLEASE SEE ATTACHMENT TO APPEAL FORM.
(Signature of Employer or Employer’s Representative)

Craig Moyer

(Counsel for University of California, Los Angeles / Manatt, Phelps & Phillips, LLP)

11355 W. Olympic Boulevard

Los Angeles, CA 90064

310-312-4353
cmoyer@manatt.com

(Day) (Month) (Year)

IMPORTANT INFORMATION

A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.

B. You must complete a separate appeal form for each citation or notification you wish to appeal and attach a copy of the complete citation or notification that you are appealing.

C. If the citation or notification being appealed includes more than one item do not use separate appeals forms for each item. Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, “Citation No. 1, Item Nos. 2, 5, and 8”)

D. Be sure to sign your appeal form and provide all the information requested in No. 4 above.

E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.

F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer’s obligation to notify the Appeals Board of any changes to the employer’s and/or representative’s contact information.

G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

H. Late appeals will not be accepted unless good cause is shown.

OSHAB 5/08
Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry ("UCLA") alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.
1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.
The University of California, Los Angeles – Department of Chemistry and Biochemistry ("UCLA") alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.

2. The underlying standard is vague and thus, the citation is void.

3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,

4. The citation does not constitute a "serious" violation under Title 8 of the California Code of Regulations (the "Regulations") and/or the California Labor Code (the "Code") as alleged in the citation.

5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative "enforcement" of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division's conduct in this regard constitutes an "underground regulation" and is illegal and improper under the APA.

6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.
126203017

Inspection Number on Citation

UC Los Angeles - Dept. of Chemistry & Biochemistry
Employer Name on Citation

University California at Los Angeles
Employer Legal Name or DBA (Optional)

501 Westwood Plaza 4th Floor
Address
Box 951605

Los Angeles, CA 90095

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[ ] CITATION NO(s): 3 Item No(s): 1

[ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s): 

[ ] SPECIAL ORDER/SPECIAL ACTION NO:
Item No(s): 

2. Specific ground(s) for this appeal are: (Check all that apply)

[ ] The safety order was not violated.

[ ] The classification (i.e. serious, willful, repeat) is incorrect.

[ ] The abatement requirements are unreasonable.

[ ] Required changes [ ] Time allowed to complete changes

[ ] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

PLEASE SEE ATTACHMENT TO APPEAL FORM.
The University of California, Los Angeles – Department of Chemistry and Biochemistry (“UCLA”) alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.
6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

APPEAL FORM

126203017
Inspection Number on Citation

UC Los Angeles - Dept. of Chemistry & Biochemistry
Employer Name on Citation

University California at Los Angeles
Employer Legal Name or DBA (Optional)
501 Westwood Plaza 4th Floor
Address
Box 951605

Los Angeles, CA 90095

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

2010-R 4 D 1-0797

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

1. This is an Appeal from:

[ ] CITATION NO(s): 4 Item No(s): 1

[ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[ ] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[ ] The safety order was not violated.

[ ] The classification (i.e. serious, willful, repeat) is incorrect.

[ ] The abatement requirements are unreasonable.

[ ] Required changes [ ] Time allowed to complete changes

[ ] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html PLEASE SEE ATTACHMENT TO APPEAL FORM.
Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry ("UCLA") alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.
2. The underlying standard is vague and thus, the citation is void.
3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,
4. The citation does not constitute a "serious" violation under Title 8 of the California Code of Regulations (the "Regulations") and/or the California Labor Code (the "Code") as alleged in the citation.
5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative "enforcement" of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division's conduct in this regard constitutes an "underground regulation" and is illegal and improper under the APA.
6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.
126203017

Inspection Number on Citation

UC Los Angeles - Dept. of Chemistry & Biochemistry

Employer Name on Citation

University California at Los Angeles

Employer Legal Name or DBA (Optional)

501 Westwood Plaza 4th Floor

Address

Box 951605

Los Angeles, CA 90095

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[ ] CITATION NO(s): 5 Item No(s): 1

[ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

[ ] SPECIAL ORDER/SPECIAL ACTION NO:
Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[ ] The safety order was not violated.

[ ] The classification (i.e. serious, willful, repeat) is incorrect.

[ ] The abatement requirements are unreasonable.

[ ] Required changes [ ] Time allowed to complete changes

[ ] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

PLEASE SEE ATTACHMENT TO APPEAL FORM.
The University of California, Los Angeles – Department of Chemistry and Biochemistry ("UCLA") alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.

2. The underlying standard is vague and thus, the citation is void.

3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,

4. The citation does not constitute a "serious" violation under Title 8 of the California Code of Regulations (the "Regulations") and/or the California Labor Code (the "Code") as alleged in the citation.

5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.

6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.
1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

1. This is an Appeal from:

   [✓] CITATION NO(s): 6 Item No(s): 1

   [ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
   CITATION NO(s): Item No(s):

   [ ] SPECIAL ORDER/SPECIAL ACTION NO:
   Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

   [✓] The safety order was not violated.

   [✓] The classification (i.e. serious, willful, repeat) is incorrect.

   [✓] The abatement requirements are unreasonable.

   [✓] Required changes [✓] Time allowed to complete changes

   [✓] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

   PLEASE SEE ATTACHMENT TO APPEAL FORM.
The University of California, Los Angeles – Department of Chemistry and Biochemistry ("UCLA") alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.

2. The underlying standard is vague and thus, the citation is void.

3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,

4. The citation does not constitute a "serious" violation under Title 8 of the California Code of Regulations (the "Regulations") and/or the California Labor Code (the "Code") as alleged in the citation.

5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.

6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.
2010-R 4 D 0800

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

1. This is an Appeal from:

[ ] CITATION NO(s): 7 Item No(s): 1

[ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): _____________________ Item No(s): _____________________

[ ] SPECIAL ORDER/SPECIAL ACTION NO: _____________________ Item No(s): _____________________

2. Specific ground(s) for this appeal are: (Check all that apply)

[ ] The safety order was not violated.

[ ] The classification (i.e. serious, willful, repeat) is incorrect.

[ ] The abatement requirements are unreasonable.

[ ] Required changes  [ ] Time allowed to complete changes

[ ] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

PLEASE SEE ATTACHMENT TO APPEAL FORM.
Response to Question No. 3:

The University of California, Los Angeles – Department of Chemistry and Biochemistry ("UCLA") alleges the following affirmative defenses:

1. The citation is unduly vague, lacks clarity, and thus void, in that it does not describe with particularity the nature of the violation.

2. The underlying standard is vague and thus, the citation is void.

3. The citation, the investigation leading up to the citation and any alleged violations related thereto constitute selective enforcement by the Division of Occupational Safety and Health (Division), and evidence the Division singling out UCLA for enforcement; and,

4. The citation does not constitute a “repeat” or “serious” violation under Title 8 of the California Code of Regulations (the “Regulations”) and/or the California Labor Code (the “Code”) as alleged in the citation.

5. The Division cannot enforce a rule which it did not formally adopt through procedures established by the Administrative Procedure Act (APA) (California Government Code section 11340, et seq.). By the investigation and inspection conducted, the issuance of the citation, and the putative “enforcement” of the cited regulation, the Division is enforcing or using a rule or regulation which it did not adopt formally. The Division’s conduct in this regard constitutes an “underground regulation” and is illegal and improper under the APA.

6. Given the unduly vague and confusing nature of the citation, UCLA reserves its right to allege other affirmative defenses as they may become known and hereby specifically reserves the right to amend its appeal to allege any additional and other affirmative defenses at such time as they become known.