

N E W S R E L E A S E

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Cal/OSHA Issues Citations to Framing Contractor for Willful Violations of Nail Gun Safety Regulations

Santa Ana—Cal/OSHA has issued citations to Circle M Contractors, Inc. for willful violations of nail gun safety regulations after a carpenter was seriously injured at a residential construction site. An investigation found that the employer failed to train and instruct employees on the proper use of pressure-powered nailing tools.

On April 17, a carpenter was using an air pressure-powered nail gun to frame wood at a construction site in Lake Forest. The worker was carrying the nail gun in his right hand with his finger on the trigger when a nail was unintentionally discharged into his left arm. Cal/OSHA's investigation found that Circle M Contractors employees did not receive hands-on training for operating nailing tools safely and that the Rancho Santa Margarita-based employer did not ensure workers carry nail guns only by the handle and not with their finger on the trigger.

Cal/OSHA issued two willful-serious accident-related citations with a total of \$225,500 in proposed penalties for Circle M Contractors' failure to train workers on nail guns and failure to ensure safe operation of these tools. Cal/OSHA's review of the employer's injury log showed 34 instances of nail gun injuries suffered by employees since 2016.

"Employers must effectively train workers to safely operate dangerous tools such as nail guns," said Cal/OSHA Chief Juliann Sum. "The employer knew these tools are hazardous and did not take the necessary measures to protect their workers from injury."

In 2015, Cal/OSHA investigated after a Circle M Contractors worker installing hanger brackets slipped and discharged a nail into his knee. Cal/OSHA cited the employer for failing to ensure workers carry nail guns only by the handle. It was one of three [investigations](#) of Circle M Contractors that year following accidents in San Diego and Irvine. One worker fell nine feet while setting roof trusses and another worker fell from the second floor while removing guardrails.

Cal/OSHA has conducted over [570 inspections](#) of framing contractors since 2015. This industry has appeared on Cal/OSHA's [High Hazard Industry List](#) each year from 2015 to the present. The list is compiled yearly based on injury rates so that Cal/OSHA may target employers in high hazardous industries with the highest incidence of preventable workplace injuries and illnesses.

A citation is classified as serious when there is a realistic possibility that death or serious harm could result from the actual hazard created by the violation. A willful violation is cited when the employer is aware of the law and violates it nevertheless, or when the employer is aware of the hazardous condition and takes no reasonable steps to address it. Citations are classified as accident-related when the injury, illness or fatality is caused by the violation.

Cal/OSHA offers a [guide](#) to developing an Injury and Illness Prevention Program and model programs for employers in both [high hazard](#) and [non-high hazard industries](#). [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their safety and health programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

The California Division of Occupational Safety and Health, or Cal/OSHA, is the division within the Department of Industrial Relations (DIR) that helps protect California's workers from health and safety hazards on the job in almost every workplace.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734). Complaints can also be filed confidentially with [Cal/OSHA district offices](#).

Members of the press may contact Peter Melton or Frank Polizzi at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#). For general inquiries, contact DIR's Call Center at 844-LABOR-DIR (844-522-6734) for help in locating the appropriate [division or program](#) in our department.