

NEWS RELEASE

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Court of Appeal Upholds Cal/OSHA Citations Issued for Inadequate Protective Footwear at a Home Depot Warehouse

Sacramento—A court of appeal has upheld Cal/OSHA citations issued to Home Depot for violating safety standards after a warehouse employee suffered a serious foot injury in 2014. Cal/OSHA’s investigation found the warehouse workers were not provided protective footwear such as steel-toed shoes in an area where industrial vehicles were operating.

The 4th District court ruling also affirms an earlier lower Superior Court decision that the citations were correctly applied following an accident investigation at Home Depot’s warehouse in Mira Loma.

“This is the first California Court of Appeal decision on the issue of protective footwear in warehouses and it sends a strong message on the need to protect workers,” said Cal/OSHA Chief Doug Parker. “Cal/OSHA has investigated a number of serious foot injuries related to forklifts and rider pallet jacks in the warehousing industry. In many cases, injuries could have been avoided with protective footwear.”

In April 2015, Cal/OSHA cited Home Depot after investigating an accident in which a worker’s foot was seriously injured from a collision between two pallet jacks at a warehouse in Mira Loma. The investigation found that at the warehouse, which functions as a distribution center for retail stores, employees exposed to foot injuries wore sneakers and were not required to wear protective footwear. Investigators also identified violations with the safe operation of industrial trucks.

Home Depot appealed the citations and the Occupational Safety and Health Appeals Board (OSHAB) affirmed both, finding that employees were exposed to foot injuries when manually lifting loads and when working in close proximity to industrial trucks. The board ruled that Home Depot’s lifting safety policy and prohibition of open-toed or open-heeled shoes were not adequate to protect workers from the realistic hazard of serious foot injuries.

After the board’s decision, Home Depot filed a writ of mandate with the local superior court asking for relief of the footwear citation, but the court denied the writ. The

employer subsequently took the case to the Court of Appeal which ruled on October 17 to uphold OSHAB's decision and Cal/OSHA's citations.

Foot injuries from being struck or run over by industrial trucks are the single leading cause of foot amputations and other serious foot injuries among workers in California. In the last five years, Cal/OSHA has opened over [70 investigations](#) with home center employers engaged in retailing home repair and improvement materials.

[OSHAB](#) is a three-member judicial body appointed by the Governor and confirmed by the Senate which handles employers' appeals of citations issued by [Cal/OSHA](#) for alleged violation of workplace safety and health regulations. The mission of the appeals board is to fairly, timely and efficiently resolve appeals and to provide clear, consistent guidance to the public, thereby promoting workplace safety and health.

Cal/OSHA helps protect workers from health and safety hazards on the job in almost every workplace in California. Employers and workers who have questions or need assistance with workplace health and safety programs can call [Cal/OSHA's Consultation Services Branch](#) at 800-963-9424.

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

Contact: Frank Polizzi / Erika Monterroza, Communications@dir.ca.gov, (510) 286-1161

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