

## Comparison of Cal/OSHA and Federal OSHA programs

### GREATER LEVELS OF PROTECTION UNDER CAL/OSHA

**Permissible Exposure Limits** (air contaminants) – Federal OSHA is still using their original 1970 permissible exposure limits (PEL). Cal/OSHA reviews PELs continuously to determine if they should be updated. Since the original federal OSHA PELs from the 1970s, Cal/OSHA has added to or revised its PELs more than 20 times.

Examples include:

- Acetone (a widely used solvent)
  - California's PEL @ 500 ppm, federal PEL @ 1000ppm
  
- Aniline (used to produce the chemical MDI, and used in rubber processing, herbicides, and dyes and pigments)
  - California's PEL @ 2.0 ppm, federal PEL @ 5.0 ppm
  
- Manganese (used in steelmaking, and production of stainless steel and aluminum)
  - California's PEL @ 0.2 mg/m<sup>3</sup>, federal PEL @ 5.0 mg/m<sup>3</sup>

### **Cal/OSHA standards (non-PEL) more protective than Federal OSHA**

- Control of Employee Exposure to Concrete and Masonry Dust (including silica)
- Washing Facilities at Construction Jobsites
- Notification to the Division of Lead-Related Work
- Hand Weeding, Hand Thinning, and Hand Hot Capping Operations in Agriculture
- Ventilation Requirements for Laboratory-Type Hood Operations
- Confined Spaces
- Bloodborne Pathogen amendments
- Hazard Communication amendments
- Aerosol Transmissible Disease/Zoonotics

**High Rise Window Cleaning** – Cal/OSHA has a very active program – one of only two programs in the country. Cal/OSHA's serves as a model for the country and has prompted changes in American National Standards Institute standards that govern window cleaning equipment.

**Ergonomic Standard** – California's has had an ergonomic standard since the late 1990s

**Process Safety Management** – Cal/OSHA has two offices focused solely on PSM with dedicated staff. The Feds inspect under a National Emphasis Program which only provides a 'snapshot' of operations at the time of the inspection. Cal/OSHA makes regular visits to facilities, to conduct Program Quality Verification reviews, respond to complaints, conduct fatality investigations, evaluate chemical releases and fires, and investigate explosions. The unit is very active in outreach, participating in quarterly safety summits and seminars, and working closely with other agencies.

**Mining and Tunneling Unit** – Cal/OSHA has regulatory authority over mining, milling and finishing operations whereas the federal Mine Safety and Health Administration only covers mining and milling. Critical standards applicable to these operations are better defined and more stringent in California with regard to guardrails, ladder way openings, fall protection and crane operator certifications. In tunnel safety, Cal/OSHA has higher standards than Fed/OSHA in that we require all tunnel construction jobs to have a State-certified safety

representative and gas tester on site. We also require a pre-construction meeting and the Labor Code mandates compliance inspections every 2 months when a tunnel is under construction.

### **CAL/OSHA COVERAGE WHERE THERE IS NO FEDERAL COUNTERPART**

**Diacetyl** – Cal/OSHA adopted a standard in 2010 that regulates employee exposure to this food flavoring used extensively to flavor microwave popcorn and other food products. Acute exposure to diacetyl can lead to pulmonary problems, including bronchiolitis obliterans, a permanent and irreversible lung condition. Federal OSHA has no comparable standard.

**High-rise Window Cleaning** – Cal/OSHA has one of only two programs in the United States and is considered a national model. Our work in this area has resulted in changes to the American National Standards Institute standards used throughout the United States. Our standard requires an annual inspection of equipment on buildings which support window cleaning by a third-party inspector approved by the Division. Federal OSHA has no comparable program.

**Injury and Illness Prevention Program (IIPP)** – Implemented in the early 1990's, the California program has served as a model that Federal OSHA is now evaluating for possible adoption at the national level. This program requires every employer to have a safety and health program tailored to their specific workplace. California employers have found that the benefits of these programs include improved workplace safety and health, better morale, increased productivity and reduced costs of doing business.

**Ergonomics** – California adopted a Repetitive Motion Injury (RMI) standard in the late 1990's. The standard applies to a job, process, or operation where a RMI has occurred to more than one employee under certain conditions. Every employer subject to this section must have a program that includes worksite evaluation, control of exposures and training of employees. Federal OSHA has no comparable standard.

**Economic and Employment Enforcement Coalition (EEEC)** – In 2005, California launched an effort to suppress the underground economy by conducting enforcement "sweeps" in targeted industries employing low-wage workers such as agriculture, car washes, pallet operations, and the garment industry. Citing and penalizing unscrupulous employers is perceived as a way to reduce the profile of these operations thereby benefiting law abiding employers. Cal/OSHA has eleven staff members assigned to the EEEEC. There is no permanent U.S. Department of Labor counterpart.

**Heat Illness Prevention Program** – In 2006, Cal/OSHA promulgated an emergency standard to protect outdoor workers from the hazards of working in high heat environments. Since that time, thousands of inspections have been conducted as well as thousands of outreach, training and education sessions all intended to raise the awareness of the employer community and employees to how they can protect themselves. An encouraging trend has been noted since 2006 in that the rate of in-compliance inspections has been increasing. From a high of twelve heat related fatalities to one last year, it has become apparent that an experiment such as this underscores the value of a concentrated effort with equal areas of emphasis in enforcement and voluntary compliance. Federal OSHA has no comparable program.

**Aerosol Transmissible Disease** – In 2009, California adopted the nation's first standard to safeguard workers from the spread of airborne diseases. The standard is designed to protect workers in healthcare and related industries from the spread of diseases such as tuberculosis, measles, influenza and other pathogens by coughing and sneezing. It focuses on healthcare and related workplaces that typically treat, diagnose, or house individuals who may be ill such as hospitals, clinics, nursing care facilities, correctional facilities, and homeless shelters. It also covers emergency responders. The ATD standard requires healthcare employers and others at increased risk to develop exposure control procedures and train employees to follow them. Federal OSHA has no comparable standard.

## **INNOVATIONS**

**Special Advisory Committees** – Cal/OSHA has a long history of reaching out to a range of stakeholders through the Cal/OSHA Advisory Committee. Additionally, special advisory committees are convened to address specific emerging issues such as re-evaluating PELs (Health Expert Advisory Committee), Aerosol Transmissible Disease, Heat Illness Prevention, and others.

**Partnerships** – California has enjoyed great success through partnership programs. The Division pioneered the partnership excellence process now called the Voluntary Protection Program by OSHA. Through a partnership agreement with the California Department of Transportation, several heavy bridge projects were successfully managed with no fatalities. Recently, a 7,000 ton section of the San Francisco-Oakland Bay Bridge was replaced over the Labor Day weekend with no fatalities and no serious injuries. An additional success story is the San Diego Ship Repair Association Shipyard partnership. We conduct annual audit inspections of each of the four shipyards. Injury and Illness rates have shown substantial declines for the four participating yards.

**Permit requirements** – Cal/OSHA requires affected employers to obtain permits in the following areas:

- **Construction** – permits must be obtained for all trenches and excavations five feet or deeper where employee entry is required; for the construction/demolition of any building, structure, scaffolding or falsework more than three stories high or equivalent to 36” high; and erection/dismantling of vertical shoring systems more than three stories or equivalent to 36’.
- **Tower Cranes** – permits are required for fixed and mobile cranes
- **Tunneling or Underground Mining** – the use of diesel engines in mines and tunnels requires a permit
- **Pressure Vessels** – permits are required for air tanks, LPG propane storage tanks over 125 gallons, and high pressure boilers over 15 psig steam

**Registration Requirements** – Affected employers must register with Cal/OSHA for operations in the following areas:

- **Asbestos Abatement Contractors** – employers or contractors engaged in asbestos-related work by disturbing more than 100 square feet of asbestos-containing material (greater than 0.1 percent asbestos by weight).
- **Carcinogen Users** – under certain circumstances, employers using a regulated carcinogen must file a report of use

**Certifications** – Cal/OSHA requires certification for the following equipment, operations, and personnel:

- **Cranes** – certification is required for operating cranes with a rated capacity of over three tons
- **Mining and Tunneling** – all underground mining and tunneling operations require certification of safety representatives and/or gas testers
- **Asbestos Consultants and Technicians** – any person who contracts to provide consulting activities relating to asbestos-containing construction material greater than 100 square feet must be certified

**Notifications** – Employers involved in certain operations or when certain events occur, must notify Cal/OSHA as follows:

- **Asbestos Abatement** – employers or contractors must send notification at least 24 hours prior to each asbestos job, regardless of the amount of material to be moved
- **Lead Work Pre-job Notification** – under certain circumstances, employers or contractors involved in lead work must send notification prior to the start of the job

- **Annual Permit-holder** – prior to beginning the construction activity, each annual permit holder shall complete a notification form and submit to Cal/OSHA
- **Serious or Fatal Accident** – employers must report work-related or suspected work-related fatalities, catastrophes, and serious injuries or illnesses immediately to the nearest District office
- **Mine Notification** – the owner, operator, or person in charge of any mine shall notify the Mining and Tunneling Unit before commencing operations
- **Underground Mine and Tunnel Notifications** – responsible management officials must notify the Mining and Tunneling Unit immediately in instances of fire, hoisting mishaps, sudden inflows of dangerous gases or water, and ground instability whether or not persons are injured; and, tunnel operators must notify the Mining and Tunneling Unit if a fire breaks out and injures employees within 24 hours

**Heat Illness Prevention Network Calls** – convened during the hot weather months in California, these monthly calls are designed to provide all stakeholders with an opportunity to speak with the Designee, Chief of Cal/OSHA and the Deputy Chief for Enforcement. After short updates by these three individuals, the call is open for any questions or issues related to the Heat Illness Prevention standard. Over 200 callers were on the line during the August HIP Network call.

## **PUBLIC SAFETY**

**Permit requirements** – Cal/OSHA requires affected employers to obtain permits in the following areas:

- **Elevators** – the new installation and operation of passenger/freight elevators and other passenger lifts and conveyances requires a permit and annual renewal
- **Portable Amusement Rides and Bungee Jumping** – the operation of all amusement rides including bungee jumping requires a permit
- **Aerial Passenger Tramway** – an operating permit is required

**Certifications** – Cal/OSHA requires certification for the following equipment, operations, and personnel:

- **Permanent Amusement Rides (Qualified Safety Inspector):** no person shall perform the services of a QSI for permanent amusement rides unless they hold a valid QSI certificate issued by Cal/OSHA