

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**AMENDED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 482)**

INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition letter on March 9, 2006, requesting the Board to consider the adoption of standards that would ensure employees have access to 911 emergency phone lines at places of employment.

Labor Code Section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health, and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code Section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

SUMMARY

The Petitioner in this matter requested anonymity and initiated the Petition after learning of a medical emergency at a place of employment wherein an employee tried to dial 911 and found that all business phones accessible to employees had been blocked from making 911 calls. The employer's operations include training developmentally challenged individuals for employment and the employer's operations would likely be subject to the General Industry Safety Orders (GISO). The Petitioner is requesting that the Board adopt a new standard that would prohibit employers from blocking the "911" emergency telephone number. Board staff believes that the Petitioner's request is focused upon Title 8, and the GISO.

DIVISION'S EVALUATION

The Division's evaluation report received May 24, 2006, states that Title 8 already includes some requirements that explicitly direct employers to address medical emergency services. The Title 8 sections that address employer's provisions for contacting emergency services include: 1) Section 3400(f), for isolated locations; 2) Section 3395 regarding heat illness prevention in outdoor places of employment; 3) Section 1512 for construction workers at multiemployer sites, and 4) Section 3220 for emergency plans. However, none specifically encompass the Petitioner's request for mandatory 911 access for medical emergencies. Except for heat illness prevention, these California standards had their origin in equivalent federal standards: 29 CFR 1910.151, 29 CFR 1926.50, and 29 CFR 1910.38, respectively.

In California there are locations where 911 service is not available. There exist also in California places of employment at which the 911 mechanism is either less efficient or

counterproductive than other procedures that those employers have adopted to ensure access to medical services in emergencies. Some employers have onsite clinics capable of addressing all but the most severe medical emergencies; a 911 call to an outside medical provider in such instances can actually delay the provision of service. Other employers, such as refineries or campuses, are so large that visitors or others not familiar with the facility might not be able to provide accurate directions to the in-plant site of the emergency. In most such instances, an alternate, centralized system for reporting medical emergencies has been instituted and proved successful over time.

For all of these reasons, it would be inappropriate and counterproductive for Cal/OSHA to require all employers to utilize 911 as the means to contact medical services.

However, this does not mean that the petition should be entirely rejected. Today, across the nation, increased attention and considerable financial resources have been focused on the need for emergency preparedness. The fact that only a subset of California employers is required to have emergency actions plans is an anachronism that should be addressed in the near future.

Based on the above rationale, the Division recommends that the Board grant the petition to the extent that all employers should be required to make advance provisions for prompt medical attention in the case of serious injury while the means for doing this should not be restricted to the 911 system.

This requirement can be effected by relocating the first three words of the first sentence of Section 3400(f) to the beginning of the second section:

(f) ~~At isolated locations,~~ Provisions must be made in advance for prompt medical attention in case of serious injuries. ~~At isolated locations,~~ ~~Th~~is may be accomplished by on-the-site facilities or proper equipment for prompt transportation of the injured person to a physician or a telephone communication system for contacting a doctor or combinations of these that will avoid unnecessary delay in treatment.

The original meaning of this subsection (to address the problems of accessing emergency medical at remote locations) remains incorporated. A requirement for advance provision for emergency medical services is extended to all employers with the specific means of accomplishing this left to each employer.

STAFF'S EVALUATION

Board staff's evaluation stated that many 911 calls are now made from cell phones. For a number of reasons, such as poor reception, cell phones are not always reliable in reaching the necessary 911 emergency dispatcher. In some service industries with field personnel working off site, immediate access to a land line telephone to make a 911 telephone call may not be readily achievable. Other industries such as oil refineries have in-house methods of reporting medical, fire and other hazards that are likely more effective than an employee dialing 911. Board staff believes that a standard in the GISO that would require all employers to utilize 911

for medical or other emergencies may not be practicable and/or less effective than some employer emergency communication systems already in place.

GISO Section 3203 “Injury and Illness Prevention Program” requires a system to ensure that employees comply with safe and healthy work practices. It is reasonably inferred that Section 3203 requires the employer to have a system, means or method in place for reporting emergency medical conditions and serious injuries. However, Board staff believes the employer’s responsibilities to arrange for prompt medical response could be better clarified than the broad and general language provided in Section 3203.

Section 3400 contains general industry provisions for medical services and first aid. Section 3400 requires that the employer ensure the availability of medical personnel for advice and consultation on matters of industrial health or injury. The standard further requires in the absence of an infirmary, clinic, or hospital in near proximity to the workplace that persons shall be adequately trained to render first aid. Section 3400(f) requires provisions be made in advance for prompt medical attention in case of serious injuries at isolated locations. The Division recommended that the Board grant the petition to the extent that all employers should be required to make advance provisions for prompt medical attention in the case of serious injury while the means for achieving this should not be restricted to the 911 emergency call system.

Board staff concurs with the Division that the recommended amendments would retain the original intent of the standard which is to ensure employers plan for necessary medical attention at remote locations. However, the amendments would also clarify that employers must plan in advance for prompt medical attention. Responding to the concern expressed by the Petitioner that 911 phone numbers are blocked; the employer would be obligated to provide alternative emergency contact procedures and/or phone numbers for effective and prompt medical attention when necessary.

Board staff does not believe a rulemaking proposal is necessary that would require all employers to utilize 911 for obtaining employee medical treatment or other emergency services. However, Board staff believes the Petition does have merit to the extent that a proposal is recommended for Section 3400(f). The proposal should be presented for the Board’s consideration at a future public hearing.

CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition to make changes that would ensure employees have access to 911 emergency phone lines at places of employment. The Board has also considered the recommendations of the Division and Board staff. **The Petition is hereby granted to the extent that an advisory committee meeting be convened to determine the necessity of the Petitioner’s proposal and corresponding staff recommendations, and, if necessary, to develop language for a future rulemaking. The Board further determined that the advisory committee should be consolidated with Petitions 481 and 483, and limited in scope to the issues of these three petitions.**