

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 313169823
Inspection Dates: 03/29/2011 - 09/22/2011
Issuance Date: 09/27/2011
CSHO ID: Q1303
Optional Inspection Nbr: 095-11



Citation and Notification of Penalty

Company Name: ALL AMERICAN WINDOW CLEANING INC
Inspection Site: 17742 BEACH BLVD, HUNTINGTON BEACH, CA 92647

Citation 1 Item 1 Type of Violation: **Regulatory**

3203. Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

EXCEPTION NO. 1: Employers with fewer than 10 employees can substantially comply with the documentation provision by maintaining a log of instructions provided to the employee with respect to the hazards unique to the employees' job assignment when first hired or assigned new duties.

Employer, with under 10 employees, failed to implement and maintain its Injury and Illness Prevention Program in that it did not maintain a log of instructions provided to its employees with respect to hazards unique to window cleaning assignments.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/30/2011
\$ 300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation 1 Item 2 Type of Violation: **General**

3203. Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(7) Provide training and instruction:

(A) When the program is first established;

EXCEPTION: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

Employer failed to provide training and instruction on electrical hazards to all new employees and employees given new job assignments for which training was not previously received.

Date By Which Violation Must be Abated:

10/29/2011

Proposed Penalty:

\$ 600.00

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Citation and Notification of Penalty

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Inspection Site: 17742 BEACH BLVD, HUNTINGTON BEACH, CA 92647

Citation 1 Item 3 Type of Violation: General

3395. Heat Injury Prevention

(f) Training.

(3) The employer's procedures for complying with each requirement of this standard required by subsections (f)(1)(B), (G), (H), and (I) shall be in writing and shall be made available to employees and to representatives of the Division upon request.

Employer failed to provide the Division with requested procedures for complying with the requirements of subsections (f)(1)(B), (G), (H) and (I) as required.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/30/2011
\$ 300.00

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Citation and Notification of Penalty

Company Name: ALL AMERICAN WINDOW CLEANING INC
Inspection Site: 17742 BEACH BLVD, HUNTINGTON BEACH, CA 92647

Citation 2 Item 1 Type of Violation: **Willful Serious**

2946. Provisions for Preventing Accidents Due to Proximity to Overhead Lines.

(a) General. No person, firm, or corporation, or agent of same, shall require or permit any employee to perform any function in proximity to energized high-voltage lines; to enter upon any land, building, or other premises and there engage in any excavation, demolition, construction, repair, or other operation; or to erect, install, operate, or store in or upon such premises any tools, machinery, equipment, materials, or structures (including scaffolding, house moving, well drilling, pile driving, or hoisting equipment) unless and until danger from accidental contact with said high-voltage lines has been effectively guarded against.

Employer required its employee to conduct window cleaning operations in proximity to energized high voltage lines without taking any effective measures to ensure that danger from accidental contact had been guarded against. On 3/29/2011, this resulted in the death of an employee when he made accidental contact with a 12000 volt electrical line with his aluminum window cleaning equipment, a Tucker Pole.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 67500.00

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Citation 3 Item 1 Type of Violation: Willful Serious

2946. Provisions for Preventing Accidents Due to Proximity to Overhead Lines.

(b) Clearances or Safeguards Required. Except where overhead electrical distribution and transmission lines have been de-energized and visibly grounded, the following provisions shall be met:

(2) The operation, erection, handling, or transportation of tools, machinery, materials, structures, scaffolds, or the moving of any house or other building, or any other activity where any parts of the above or any part of an employee's body will come closer than the minimum clearances from energized overhead lines as set forth in Table 1 shall be prohibited.

Nominal voltage (Phase to Phase)	Minimum Required Clearance (Feet)
600..... 50,000	6

Employer failed to ensure that equipment, (Tucker Pole), being handled by its employee to clean windows on a three story office building could maintain a clearance of at least 6 feet between the equipment and a 12000 volt electrical line. On 3/29/2011 a Tucker Pole in use by its employee contacted the live electrical line, resulting in the electrocution death of the employee.

Date By Which Violation Must be Abated:
Proposed Penalty:

ABATED
\$ 67500.00

T. R. Johns / Richard Fazlollahi
Compliance Officer/District Manager

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

employer was well aware of the power lines overhead and in proximity to the work to be performed. The Instruction Manual for the Tucker Pole contains a clear statement not to raise or use a Tucker Pole "anywhere a remote possibility of contact with electrical wires" exists. Employer did not assign a second employee to assist in the raising or to warn of hazards, and as a result, Employee #1 was electrocuted when his equipment, the Tucker Pole, contacted the energized power line.

		<i>[Handwritten Signature]</i>	Signature		Date
Prepared by:	CSE, IH				
Reviewed by:	DM/SR. IH				
	Regional Manager				

NOTICE OF ACCIDENT-RELATED VIOLATION AFTER INVESTIGATION

Page 1 of 1

ALL AMERICAN WINDOW CLEANING INC
 21101 PENNINGTON LANE
 TRABUCO CANYON, CA 92679

An investigation of an industrial accident or occupational illness was conducted by **T. R. Johns** at a place of employment located at **17742 BEACH BLVD, HUNTINGTON BEACH** on **03/29/2011**.

DESCRIBE THE CONDITION INSPECTED: Fatal accident in which employee G. Ochoa was electrocuted while employed to clean windows at the office building located at the above address.

It has been determined by the Division that the fatal or serious injury, illness or exposure described above was related to the following serious, willful or repeat violation:

WILLFUL SERIOUS

2946(a) and 2946(b)(2)

CLASSIFICATION OF VIOLATION

ARTICLE 6.5 HIGH SECTOR

Signature

Signature

District Manager

Date of issuance 9/27/11 Date investigation completed 09/22/2011

Upon request, the Division will provide the employer with a copy of its inspection report pertaining to this investigation.

3	1	Q1303	095-11	313169823
Region	District	SE/IH Identification No.	Optional Report No.	CAL/OSHA Form 1 Report No.