

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
Phone: Fax: (714) 558-2035



Citation and Notification of Penalty

To: WALT DISNEY PARKS AND RESORTS U.S., INC.
and its successors
1313 S HARBOR BLVD
ANAHEIM, CA 92802

Inspection Number: 315531715
Inspection Date(s): 11/28/2012 - 04/10/2013

Issuance Date: 05/08/2013
CSHO ID: A9562
Optional Report #: 025-13
Reporting ID: 0950631

Inspection Site:
1313 S. HARBOR BLVD.
ANAHEIM, CA 92802

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751 or (877) 252-1987
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751 or (877) 252-1987

PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on hand when you are ready to make you payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dos to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations

Cashier, Accounting Office

P. O. Box 420603

San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations is reduced by 50% on the presumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California

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Inspection Dates: 11/28/2012-04/10/2013
Issuance Date: 05/08/2013
CSHO ID: A9562
Optional Inspection Nbr: 025-13



Citation and Notification of Penalty

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

Citation 1 Item 1 Type of Violation: General

California Code of Regulations, Title 8, 3282. General Requirements for All Window Cleaning Operations.

(p)(1)(A) Building owners shall provide the employer written assurance, before use, that all their building's safety devices and equipment meet the provisions of these orders. The written assurance shall consider, but not be limited to: window anchors and fittings; load sustaining capabilities of platforms, building components, hoisting and supporting equipment; stability factors for carriages, platforms and supporting equipment; maximum horizontal force for movement of carriages and davits; design of carriages, hoisting machines, wire rope and stabilization systems; and design criteria for electrical wiring and equipment.

(C) 1. Owners of buildings 36 feet or more in height shall have an Operating Procedures Outline Sheet (OPOS) where one or more of the following conditions apply to such buildings:

- A. A building does not have established window cleaning system or procedures meeting the requirements specified in Articles 5 and 6, or
- B. A building's original window cleaning procedures prepared in accordance with the requirements in Articles 5 and 6 have been changed because of building modifications, or
- C. A building has extreme architectural features, which require the use of complex rigging or equipment, or a building that uses rigging or equipment not covered by these Orders.

Instance 1

On and prior to November 21, 2012, the building owner, Disneyland Resort, failed to provide the employer, HSG, Inc. written assurance that all their building's (Space Mountain) safety devices and equipment met the provisions of these orders before their use by employees of HSG, Inc to clean the exterior of Space Mountain from boatswain's chairs and controlled descent apparatus (CDA). Reference 3282(p)(1)(A).

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

Instance 2

On and prior to November 21, 2012, the building owner, Disneyland Resort, failed to have an Operating Procedures and Outline Sheet (OPOS) for their building (Space Mountain) as required by Section 3281(p)(1)(C).

Date By Which Violation Must be Abated: 06/10/2013
Proposed Penalty: \$ 675.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

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Cal/OSHA Santa Ana District (0950631; 4031)
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Citation and Notification of Penalty

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

Citation 1 Item 2 Type of Violation: General

California Code of Regulations, Title 8, 6151. Portable Fire Extinguishers.

(e) Inspection, Maintenance and Testing.

(3) Portable fire extinguishers shall be subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Chief upon request.

On and prior to November 28, 2012, the employer failed to ensure all portable fire extinguishers in service had a current annual maintenance inspection check, including but not limited to:

Instance 1

Portable fire extinguisher located on the exterior dome of the Space Mountain building with last annual maintenance check of November 2006.

Instance 2

Portable fire extinguisher located on exterior dome of the Space Mountain building without having a current annual maintenance check or inspection tag indicating it had been annually checked.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 225.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
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Inspection Number: 315531715
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Citation and Notification of Penalty

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

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

California Code of Regulations, Title 8, 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:

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

On and prior to November 21, 2012, the employer, Disneyland Resort, failed to implement and maintain all the required elements of their Injury and Illness Prevention Program including, but not limited to correcting unsafe work condition(s) and/or work practices, which are essential to their overall program.

Instance 1

Disneyland Resort failed to correct the unsafe work condition(s) and work practice of employees of both Disneyland Resort and HSG, Inc. accessing the upper and lower exterior platforms of a building (Space Mountain) by means of unsafe ladderways. The upper exterior platform with access provided by ladderway, and the ladderway floor opening on the lower exterior platform did not have a swinging gate or equivalent protection, nor was it offset, to prevent a person from walking directly into the openings, as required by Section 3212 of Title 8 CCR.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

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Issuance Date: 05/08/2013
CSHO ID: A9562
Optional Inspection Nbr: 025-13



Citation and Notification of Penalty

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

Instance 2

Disneyland Resort failed to correct the unsafe work condition(s) and work practice of employees of both Disneyland Resort and HSG Inc. accessing the upper exterior platform of a building (Space Mountain) to change lights and perform other maintenance tasks without the protection of guardrails or personal fall protection, as required by Section 3210 of Title 8 CCR.

Date By Which Violation Must be Abated: 05/18/2013
Proposed Penalty: \$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

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Cal/OSHA Santa Ana District (0950631; 4031)
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Santa Ana, CA 92705

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Issuance Date: 05/08/2013
CSHO ID: A9562
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Citation and Notification of Penalty

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

Citation 3 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 3286. Manual Boatswain's Chairs and Controlled Descent Apparatus (CDA).

(a) Use and Application.

(B) When boatswain's chairs or CDAs are used for window cleaning operations, the following conditions shall be complied with:

3. Roof tie-backs or other approved independent anchorages shall be provided for each support line(s) and each safety line.

On and prior to November 21, 2012, Disneyland Resort failed to provide independent anchorages for support line(s) and safety line(s) on a building (Space Mountain) at Disneyland Resort. Disneyland Resort allowed employees of HSG Inc. to connect support line(s) and safety line(s) to unapproved anchorages when they cleaned the exterior of Space Mountain from boatswain's chairs and controlled descent apparatus (CDA).

Date By Which Violation Must be Abated: 05/18/2013
Proposed Penalty: \$ 10125.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

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Inspection Dates: 11/28/2012-04/10/2013
Issuance Date: 05/08/2013
CSHO ID: A9562
Optional Inspection Nbr: 025-13



Citation and Notification of Penalty

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

Citation 4 Item 1 Type of Violation: Repeat General

California Code of Regulations, Title 8, 6151. Portable Fire Extinguishers.

(c) General Requirements.

(1) The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

On and prior to November 29, 2012, the employer failed to mount, locate and identify all portable fire extinguishers so that they are readily accessible to employees without subjecting them to possible injury.

Instance 1

A portable fire extinguisher was found inside of the fire hose cabinet, on the roof of the Space Mountain building. As a result, the portable fire extinguisher was not mounted, identified or located so that it was readily accessible to employees.

Instance 2

A portable fire extinguisher was found inside of a metal container that housed abandoned electronic equipment on the roof of the Space Mountain building. As a result, the portable fire extinguisher was not mounted, identified or located so that it was readily accessible to employees.

This is a repeat of Citation No. 1 Item No. 7 Identification No. 313168775 Report No. 44-11 Region 3 District 1 Issued on March 22, 2011. The citation was not contested or appealed by the employer and payment was received.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
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Citation and Notification of Penalty

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802

Date By Which Violation Must be Abated:	ABATED
Proposed Penalty:	\$ 1000.00



Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035

NOTICE OF PROPOSED PENALTIES

Company Name: WALT DISNEY PARKS AND RESORTS U.S., INC.
Inspection Site: 1313 S. HARBOR BLVD., ANAHEIM, CA 92802
Mailing Address: 1313 S HARBOR BLVD, ANAHEIM, CA 92802
Issuance Date: 05/08/2013
Reporting ID: 0950631
Index Code: 4031

Summary of Penalties for Inspection Number 315531715

Citation 1, General	= \$	900.00
Citation 2, Willful	= \$	70000.00
Citation 3, Serious	= \$	10125.00
Citation 4, Repeat General	= \$	1000.00
TOTAL PROPOSED PENALTIES	= \$	82025.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make you payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603
(415) 703-4291 or (415) 703-4295 or Fax (415) 703-3037

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
Cashier, Accounting Office
P.O. Box 420603
San Francisco, CA 94142-0603
Phone (415) 703-4291 or (415) 703-4295 Fax (415) 703-3037

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION	INSPECTION NUMBER <u>315531715</u>	REPORTING ID <u>0950631</u>	INDEX CODE <u>4031</u>
ESTABLISHMENT NAME	<u>WALT DISNEY PARKS AND RESORTS U.S.. INC.</u>		
CONTACT PERSON	_____		
PHONE NO.	_____	FAX NO.	_____
SITE ADDRESS	<u>1313 S. HARBOR BLVD.. ANAHEIM</u>		
MAILING ADDRESS	<u>1313 S HARBOR BLVD. ANAHEIM. CA. 92802</u>		

CITATION INFORMATION (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (i.g. Citation 1, Items 1-5; Citation 3)

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION

CHECK ENCLOSED IN THE AMOUNT OF \$ _____

MONEY ORDER ENCLOSED IN THE AMOUNT OF \$ _____

(Please make check or money order payable to **CAL/OSHA** and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to www.dir.ca.gov/dosh to access the on-line third party secure payment processing site or complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

CREDIT CARD NO. _____ EXPIRATION DATE _____

CREDIT TYPE _____ SECURITY CODE (last 3 digits on back of card) _____ (4 digits on front of Amex card)

NAME OF CARDHOLDER _____ SIGNATURE _____

EMAIL ADDRESS _____

CARDHOLDER PHONE NO. _____ FAX NO. _____

AMOUNT OF PAYMENT \$ _____

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____ DATE PROCESSED _____

PROCESSED BY _____

Please call (415) 703-4291 or (415) 703-4295 or complete the information above and fax to (415) 703-3037
ELECTRONIC FUNDS TRANSFER EFT OPTION-NO CONVENIENCE FEE APPLIES: GO TO www.dir.ca.gov/dosh