

Cal/OSHA Advisory Committee Meeting
February 11, 2016 – 10:30 a.m.
Oakland, California

Welcome and Opening Remarks by Christine Baker, Department of Industrial Relations Director

- I would like to recognize the accomplishments of Juliann Sum and DOSH's newly structured management team. I commend their efforts with all that is happening with Enforcement, outreach and training, and modernization.
- Ongoing modernization is not easy. We may want to digitize most of our documents because we do have rooms full of files. However, this is a very costly process so we have to evaluate and prioritize what needs to stay. Questions need to be asked before we do a modernization effort, and what processes can be done in a more streamlined manner. We are doing this throughout all of DIR to improve access for the public and improve transparency. We have online registration for various permits and licensing now available on our website rather than stacks of paper being submitted to our staff. Things are getting streamlined.
- Staffing enhancement is proposed as part of the Governor's budget, so we will be increasing staff.
- The Labor Enforcement Task Force is amazing. Their data and approach to targeting is cutting edge. With our focused targeting and surveillance methods, we have found that 42% are out of compliance.
- Juliann Sum's leadership has been awesome, and with the DOSH management team, quantity and quality of work are taking large leaps and strides. There has been improvement with outreach and education throughout the Department, such as publishing guides in multiple languages, and all those publications should be available soon on our website.
- DIR is an interconnected team, and while there has been a previous tradition of Divisions acting as individual silos and not communicating, there is a culture change that is underway. There are a lot of new hires which will help us strive towards more interconnection within DIR and more emphasis on sustainable operations. I am very proud of all the work across the Department.

Introductions and overview of the agenda by Juliann Sum, Cal/OSHA Chief

- Thank you all for coming. There are a few announcements since the last advisory committee meeting. Debra Lee and Eric Berg have both been appointed by the Governor as Deputy Chief of Field Enforcement and Deputy Chief of Research and Standards respectively. Cora Gherga has taken on the position of Assistant Chief of Enforcement Administration (she could not make the meeting this morning). We also have Eugene Glendenning who has stepped up as Acting Program Manager for Consultation Services after Vicky Heza's retirement.
- Joan Healy is joining us from DLSE.
- Additional introductions of DOSH staff present at the meeting are made:
 - Jim Lopez, Consultation Services

- Patrick Corcoran, Training Unit
- Michael Alvarez, Retired Annuitant, former Regional Manager for Consultation Services
- Gretta Windmon, Grace Virrey, and Pamela Manual, HQ Administration Support
- Amy Martin, DOSH Legal

Cal/OSHA and DIR Updates

Website, publications, and other accomplishments by Juliann Sum

- As mentioned by Christine Baker, the goal is to maximize communication both internally and externally. We are working to make our website more attractive, and we are posting more pieces that can be used by the public. For example, today, our guide for portable amusement ride owners was just posted, and mine safety training pages are now available online as well, so it is easier for miners and operators to access these materials.
- Regarding year-end accomplishments, all of our units are incredibly active and operating smoothly. There is a lot of urgent work to do because of mandates, and we are trying to make work flow more efficiently to encourage people to feel good about their work. We try to provide internal support to each other as much as possible while communicating with everyone to address needs in the community.
- Next, we will be going over updates briefly, and we particularly want to get feedback on outreach and social media efforts to get information out. We want to reach all workers and employers who don't know about Cal/OSHA. We would also want to get feedback on what publications need to be created or updated.
- Fed OSHA has also joined us today to discuss different types of inspections and how to balance the different inspections we do.

Field Enforcement by Debra Lee, Deputy Chief

- We have updates on recent promotions:
 - Hassan Adan, Regional Manager for Region 4
 - Carlton Jones, District Manager of the San Francisco District Office
 - Eddie Miranda, District Manager of the Fremont District Office
 - Fred Drake, Senior Safety Engineer of the Redding District Office
 - Trino Maciel, Senior Safety Engineer of the Fremont District Office
 - John Caynak, Senior Safety Engineer for Region 2
- Our Torrance Office relocated to the Long Beach area, and we are continuing to recruit, hire, and promote senior safety engineers in-house within the district offices, and we are also continuing to recruit and hire associate safety engineers to help with enforcement.
- LETF unit is continuing to work with other agencies like EDD and DLSE, as well as branching out to working with the Bureau of Automotive Repair. Some of the main areas that we are going to be focusing in are construction, restaurants, garment, manufacturing, and car washing.

- The High Hazard Unit has announced that within our 5-year Cal/OSHA Strategic Plan, we have exceeded our outcome goals for Goal 1.2:
 - The HHU conducted 375 inspections with a goal of 350
 - 98% of non-contested inspections with serious, willful repeat violations were abated, with a goal of 97%
 - Increased percentage of programmed inspections with serious, willful, repeat violations measured at 11% with the goal of 10%. Fifty-eight percent (58.11%) of programmed inspections resulted in at least one serious, willful, repeat violation.
- Outdoor inspections for heat were conducted from May through September, and district offices responded to 263 heat complaints with 23 suspected heat related fatalities and 89 reported suspected heat-related illnesses.

Enforcement Administration by Juliann Sum, Cal/OSHA Chief

- Cora Gherga, who is the Assistant Chief of Enforcement Administration, is not able to join the meeting today. However, she did provide materials for the meeting, and one of the sheets that were provided will be relevant to the Fed OSHA presentation later on in the meeting.

Consultation Services by Eugene Glendenning, Acting Program Manager

- As a brief introduction, I have been with the Division since 1979 and helped develop the High Hazard program. The biggest transition hurdle so far has been learning the federal contracts, but I have a great relationship with all the area managers of Consultation Services as well as the DOSH managers, so working with everyone has been a great advantage.
- We are on the federal fiscal year, and we are done with the 1st and 2nd quarters with respect to numbers for outreach done with the mobile workforce, construction, agriculture, and more. We will be outreaching again in the spring on heat illness prevention with our partnership programs.
- Regarding publications, we have 17 palettes of the construction pocket guide arriving today, which will go out to all DOSH offices.

Research and Standards by Eric Berg, Deputy Chief

- Brief overview of occupational health rulemaking:
 - Workplace Violence in Healthcare was formally noticed in October 2015, and the public meeting was on December 17, 2015. We've received comments and are in the process of reviewing them and looking at potential changes.
 - Sexually Transmitted Infections in the Adult Film Industry is waiting for the Standards Board to hold a vote, which will happen in mid-February.
 - There were 3 advisory committee meetings in 2015 for Lead in construction and general industry, and we will start formal rulemaking in 2016.

- Regarding PELs, there are still several chemicals that require formal rulemaking. We will finish those in 2016, and we are hoping to hire a toxicologist to help us restart that process.
- Housekeeping in the Hotel and Hospitality Industry has completed the advisory committee process in 2015, and we are now preparing documents for formal rulemaking this year.
- We held an advisory committee meeting for antineoplastic drugs in 2015, and formal rulemaking will happen in 2016.
- **Question:** When will rulemaking begin on workplace violence in general industry?
 - **Answer:** We will be starting the advisory committee process this year, but the formal rulemaking process will not happen for a while.
- **Question:** It is great to hear that the PELs process is being reestablished. Is there any idea when in 2016 that that will start?
 - **Answer:** We cannot give an exact date because we need to figure out when we can hire a toxicologist. After that happens, then we can get started. We also have to finish rulemaking on the PELs from the previous advisory committees.
 - **Response by Juliann Sum:** A lot of our work is governed by the availability of staff and the personnel process of hiring involves many steps. It is very hard to determine exactly how long that will take to bring on a toxicologist.
- **By Juliann Sum:** There are also two major regulation projects this year: PSM and the Elevator Safety Orders. Those are considered major and require a dollar amount so we are going through a rigorous financial analysis. There are also administrative regulations that other staff cover, such as repeat violations and abatement credit. There are also others in the works to meet federal mandates.

Occupational Safety and Health Appeals Board by Art Carter, Chairperson

- Before giving a brief report, I would like to recognize Judith Freyman, who has been reappointed by the Governor. She occupies the management selection.
- There will be a Board meeting on March 3rd to hear comments on regulation packages on abatement and on the OASIS system. The meeting will include lengthy processes. Both the Department and Agency have signed off. Any comments we receive will need a 15-day period; we will respond to those comments, and then the packages will go to OAL.
- The Board has adopted a new general and regulatory appeal process. Previously in situations where regulatory or general violations might be settled, we did not hear from any of the parties. Now we send letters for a response within 60 days. This gives ALJs more time to concentrate on more serious and complex issues.
- The OASIS project is something that the Board has been working on. It is a high priority because the Board has not changed our computer systems for 25 years. DIR has been very generous for giving us the budget for this. I ask that Neil Robinson say a few comments on this:
 - **Neil Robinson:** We have procured internal technologies called eCourt, which will replace the old system. This has been a great process that has been moving rapidly. We

are at the stage of developing the outward facing part of OASIS, which will be utilized by the stakeholders to file appeals, look at scheduling of events, file documents online, and register as participants to see the documents. We are hoping to demo these capabilities in the first week of March.

- By the first week of June, we hope to go live so that this can become our new computer system.

Occupational Safety and Health Standards Board by Marley Hart, Executive Officer

- The first thing I would like to mention is that we lost John Sacco, one of our Board Members, in a plane crash on December 22, 2015. We want to recognize his contributions, even though he was only a member of the Board for five months. Our thoughts are with his family during this difficult time.
- Our report is available in the handouts that were provided. We included the calendar year in review, which is a snapshot of the number of projects that we've worked on, but are not specifics. A bulk of the variances is for elevators, and we are looking for upcoming standards on that. Everything seems to be moving forward.
- We had two retirements at the end of the December, so we have two vacancies for a senior safety engineer and an associate safety engineer. This is a big loss for us, so we have total vacancies for three engineers and our principal engineer.
- We would also like to thank Eric Berg for his help with the Board. The communication has been great, and he has established a really good relationship with staff.
- As mentioned, we do have the Sexually Transmitted Infections meeting next Thursday to vote on adoption of the rulemaking. This has been five years in the making.
- We also had a Board meeting last month on the residential fall projection trigger height to ensure compliance with the federal standard. This must be done with stakeholder involvement, and we will continue to do outreach with a goal of an advisory committee meeting. We do not have a date yet because we need to come up with language first as well as to coordinate with OAL and the APA process.

Division of Labor Standards Enforcement report by Joan Healy, Senior Deputy Labor Commissioner

- We did not submit any data in terms of cases prior to this meeting because of a glitch we are experiencing with intake and cases being assigned new identifiers that are not being captured. We are working with IT to get that fixed.
- The past few months have been very busy. Federal OSHA has completed a review of 10% of OSHA files from January 15 through January 22. We believe we do quality work, but we also expect that fed OSHA will point out deficiencies.
- We are active in training staff, and we just completed our biannual staff training on January 12 through January 14 in San Jose. There were about 40 people in attendance. We also trained new

staff earlier this week in Sacramento on how to investigate fatalities.

- We requested two spaces in the 1420 whistleblower training course to be conducted in June. We had discussions about whether our trainings will be at least effective as the Feds, so the easiest way is to send staff for training to figure that out. We have requested fed OSHA sponsor or provide training in California for the 1420 course as well as cover the new interviewing techniques. We expect to hear an answer within the next month, and we thank Christine Baker for her ardent support of that request.
- We have identified processes to be used to investigate workplace injury-only cases. We identified 56 cases we are in the process of contacting complainants.
- We will have a new space in San Jose on March 1st. We are looking for a dedicated phone line for complaints, as well as looking to create an OSHA retaliation website to be linked to DOSH as well as the feds. There are differences between the standards. We have 45 statutes in California, and fed OSHA would like for us to take complaints by phone. We need to limit the number until we have the staff that can handle that volume.
- The Commissioner's manual is being revised to call out differences, and we are working with fed OSHA to help sign off on the differences.
- We've had improvements in communications, and Region 9 will start monthly conference calls.
- We have new additions, and we are also trying to attract new staff. Julia Bernstein has developed a program for community colleges to attract students into the field, as well as attract high school students. We are working with volunteers, and we want to give them quality experiences for career development. We anticipate new positions within the Division by July.
 - **Question:** For the 45 items was mentioned, are you talking about the whistleblower retaliation complaints?
 - **Answer:** We have 45 statutes that protect workers in California, and 2 of them explicitly relate to health and safety activities, so we do not have the staffing to accept phone calls from all of California.
 - **Follow-up:** So you'll go ahead with OSHA complaints for 6 months?
 - **Answer:** That is the plan.
 - **Question:** When you mention "injury only," is that without retaliation or workers' comp?
 - **Answer:** It is regarding someone who has experienced injury and experienced retaliation. If there is no safety complaint in addition to that, we refer to the pilot project in the Director's office. If there is a safety complaint, then we approach that in a traditional manner.
 - **Follow-up:** So some may or may not have workers' comp?
 - **Answer:** They may or may not. Fed OSHA became aware of the issue in February 2014, and they've been working with us since January 2015 to address these issues.

- **Question:** It is really helpful that you attend these meetings, and we hope you can come every time. Can you provide more information regarding the trainings you've mentioned? You've said 40 people attended those.
 - **Answer:** For the first two days, people were trained more in general terms regarding the investigative process on retaliation. The 3rd day was dedicated to health and safety components.
- **Question:** Are you developing educational material for ADR, so that when they agree to go through that process and give away their rights to an administrative hearing, what information are they getting ahead of time?
 - **Answer:** There is no plan for anyone to sign anything. If it is helpful to mediate, the ALJ will come down from DWC or the Appeals Board or other agencies who can conduct the mediation. This is discrete and separate from those doing the investigations. If it is not resolved, then it goes through another process, but they will only sign away if a settlement is reached.
- **Question:** I am confused about the initiative for employees who have been disciplined after an accident. The requirements for IIPP for compliance indicate that in general, an employer is required to assure compliance with their safety program which includes 2-3 days off for discipline. Presumption is that the employers presume discipline is required with the IIPP.
 - **Answer:** There is no presumption in these cases, and that is what the employers' viewpoint might be. The concern is it's the employers' obligation to provide a safe workplace. So when an employee is suspended when injured without a safety issue, we accept complaints for investigation. If employers can show evidence of reason for suspension or adverse action or that the employee acted unsafely, that would be evidence considered.

Discussion on outreach needs by Juliann Sum, Cal/OSHA Chief

- We wanted to open up the discussion regarding outreach on health and safety rights in the workplace and stakeholder views on targeted audiences that we should be thinking about. We are also welcome to any ideas regarding dissemination, including social media. We are open to comments on how we can do more outreach, more media events, or ways in which we can strengthen our current activities.
 - **Question/Comment:** Have you started to look into temp workers? We would like to advocate for temp workers, contingency workers, part-time workers who never get employee status but fall into the cracks so information does not reach them. This was a challenge that was brought up recently. For ways to do outreach, videos and consistent radio spots or advertisements would help.
 - **Question/Comment:** When discussing with colleagues about the segments of employers who need extra attention, we seem to have a handle on the underground economy. The next levels are the small to mid-size employers who don't have resources to understand all responsibilities under Cal/OSHA or are unaware of external resources that are available for compliance. I don't have any specific suggestions on how this gets done, but I would like to draw attention to those employers who need help to understand how to comply. The agency has done this for heat illness, so maybe there are some existing effective strategies that can be applied to other areas as well.

- **Response by Art Carter:** Any company with that size should have information as a means to get people to join their company. There is a network for small and mid-size employers to get that information, such as chambers of commerce. The question is how to get that information out there to them since those organizations can help with dissemination.
- **Follow-up:** Yes, there are a lot of established channels in the business community, but a partnership with Cal/OSHA would help tremendously in helping get that information out there and establishing what kind of information should be shared. Bringing the outreach portion to business organizations would be helpful in identifying what that message is.
- **Question/Comment:** I would like to show support for the previous comments to include temp workers as well as to use previously applied strategies for health and safety outreach. There also needs to be outreach to the primary and secondary employers as there seems to be confusion on responsibility of staffing agencies and hosting employers. Some campaign would help clarify the roles. There is confusion on who should be keeping track of the data on reports of serious injuries.
- **Question/Comment:** Some channels that are not often considered that are part of the community network are rotary groups in addition to chambers of commerce. These organizations are pretty powerful but we never use them, so this is something to consider for outreach.
- **Question/Comment:** I agree with the comment about outreach similar to what the Division has done with heat illness prevention. There are advertisements on the highways, which is an excellent reference point. Also, an interesting feature on rights of employees that come up in general industry and construction is the OSHA 10 and 30. Those rights and responsibilities go out to a lot of people. Cal/OSHA may want to consider that as well.
- **Question/Comment:** There are organizations of worker centers, so in terms of easing the Division's outreach to workers in the community, those can also be involved in sharing materials.
- **Question/Comment:** For cases of outreach to the ag community, there is a recurring theme of rising population of workers who speak indigenous languages, so that information should be accessible to those workers because they do not speak English or Spanish. The farmworker community has been addressed by fed OSHA with campaigns of workplace violence and an intersection with sexual harassment. There ought to be a higher collaboration between Cal/OSHA and DLSE to do specific training on sexual harassment prevention. We also find when reviewing fed OSHA materials that there is an explanation of rights and protections, but often that last page is left out on what to do after rights have been violated. That is something that ought to be very important in outreach strategy.

Discussion with federal OSHA on how best to allocate resources for complaint investigations and inspections, accident inspections, and programmed inspections by Barbara Goto, Region IX Administrator, OSHA

- **Juliann Sum:** In California, accidents are the greatest number of complaints, but among complaints, we have a different ratio than fed OSHA. This discussion is to go over that.
- **Barbara Goto:** First, I would like to thank Cal/OSHA for inviting me to speak about the new reporting requirements that went into effect in January 2015. California has always had reporting where all serious injuries and illnesses and fatalities are reported by the employer or by emergency response personnel. We actually looked at our data for Quarter 2 and 3 of the fiscal year 2015, and those inspections are closed by now, so we are providing results of those, and what fed OSHA's balances are.
- In the first six months, we have done more inspections than anticipated. There were quite a high number of inspections that had one or more serious or willful reports, and these inspections have resulted in significant cases.
- Our PowerPoint slides also compare what we've done for severe injury reporting in comparison to complaints. We do not have to do an inspection for every complaint, but we do have an option of phone or fax to track complaints. If we do not get a response, that could result in an inspection.
- Severe injuries result in more inspections than complaints do. Our programmed inspection complaint numbers have gone down. There is no intent to do inspections of every single complaint we receive, but we do want employers to do a root cause analysis, and if we do not get satisfactory responses or if it was serious, it would result in an inspection.
- According to the information on the slides, you will see that we are getting to places that under old reporting requirements, we wouldn't have gotten to. Again, we want to evaluate these reports to make sure we are going to places that we need to, especially with employers who have a history of noncompliance or with targeted industries where accidents are high. We are still in the process of determining those places.
- **Juliann Sum:** The question for California is that fed OSHA has previously given the critique that we should be spending less time on complaints and accidents and find a more rational way to find hazards. Is there a different view of California now, based on your findings? We have Labor Code mandates that we must meet.
- **Barbara Goto:** While conducting programmed inspections, staff should look to see whether they are finding hazards or not, and that might help figure out how you get to places that need your attention most. We understand that you are mandated to go to complaints. Is there a better way to show that you don't really need to?
 - **Question/Comment:** The Cal/OSHA program certainly shows that accident inspections have very decent return based on citations. We agree with fed OSHA on more programmed inspections, and the issue of complaints really comes back to earlier years where there's a problem with the way complaints are taken when workers call. In the 80s, we did try to improve training of people who were responsible for doing the intake of complaints, and that is still an area that needs vast improvement. There isn't enough information given in that time the initial complaints were received by Cal/OSHA, so

training on how to get the proper information is important, and it will go back to what resources are available.

- **Juliann Sum:** Complaints come in, formal and non-formal, and we have an obligation to investigate the formal complaints. For non-serious, we can do it by letter, with permission from the complainant. However, we have to go out for serious formal and serious non-formal complaints. We can't convert something that is non-serious into serious.
- **Follow-up:** For the intake process, there needs to be a better system for taking the complaint by phone, which will provide you with better information. In terms of the back end, how many of those complaint inspections net you citations that are serious? You'll end up with a better portion if you have more information at the beginning. From experience, it works better that way, but we know it comes down to resources available in order to increase the amount of response that Cal/OSHA can give. We've been working with the same general number of inspectors.
- **Question/Comment:** If there is an accident on the job site, what's the timeline that we can inspect for the investigator to talk to people that were involved in the accident?
 - **Debra Lee:** We like to do that immediately and try to interview anyone on site. If the injured person is taken to the hospital, we will also go there. If witnesses have left before we get there, we will try to talk to them somehow, but we will start as timely as is possible.
- **Follow-up:** The concern is that we've had recent accidents where those involved have not been interviewed, and it takes 7-8 days, but then it is only the employer that gets interviewed, not the employees that were injured. After 7-8 days, memories aren't that great, so can we encourage that process go faster?
 - **Debra Lee:** There are times when we may not have found information to track individuals either, so that can also cause a delay.
- **Question/Comment:** The relationship between how thoroughly an inspection goes is at the discretion of the District Manager. Is there a protocol outlined somewhere or is it always up to the discretion of the District Manager or investigator?
 - **Debra Lee:** When we go out, there is a P&P that we have to follow, and for high-hazard, there is a much more comprehensive process. If it is an accident, we want to get to that area where the injury was identified in the injury log.
- **Follow-up:** So with program high-hazard inspections, those are more comprehensive, while others are more specific to the accident or complaint?
 - **Debra Lee:** Yes.
- **Question/Comment:** In one of the handouts regarding inspections in fiscal year 2015, referrals are carved out. Can targeted industries by way of referral be part of your program? Is there a specific federal definition? That's the type of targeted program that you want to be based on worker advocacy groups about which facilities are likely functioning in an unsafe way.
 - **Juliann Sum:** Programs are planned ahead of time from the beginning of the fiscal year, whereas referrals are more ad hoc and you have to figure out your priorities as they happen.

- **Question/Comment:** It looks like agriculture went down, and I wonder if that will affect 2016. I just wondered if there were any percentage goals that you had in respect to various industries.
 - **Juliann Sum:** Programmed consists of high-hazard targeting and Labor Enforcement Task Force targeting. There were a lot of agriculture and construction in the previous years, and the multiagency team might have made an effort to look at other industries.

- **Question/Comment:** I would like to bring up something that we've brought up previously in the past. Options to file complaints are available on the federal level through letter, fax, phone call, etc. In California, there is no such luxury. It seems that perhaps there should be a change to 6309 to allow flexibility with stakeholders and give the Division the opportunity through the Labor code to take complaints in other ways. If something is not serious, you should use opportunities to write letters, use fax, email, or phone call so that inspections can be more effective. Maybe the 6309 needs to be revised.

- **Barbara Goto:** I would like to go over our slides again. Our numbers show that the total inspections done by fed OSHA per year have gone down, and focusing on the inspections that we need to go to. We've broken down our numbers between programmed and non-programmed inspections. Programmed refers to high-hazard industries targeted at the beginning of the year, and those numbers have decreased. We've shown complaints by region, and the darker color (on the chart) refers to the amount we do by phone and fax, while the lighter color shows the inspections that resulted from that. We are doing more inspections from serious injury reporting. Sometimes we find that those aren't valid so employers are talked to, but there is no inspection.

- Slides show numbers, and the compliance rate for this type of report is high for compliance.
 - **Question/Comment:** When you say "in compliance," do you mean to say that you found the employer to be in compliance?
 - **Barbara Goto:** It means that when we do an inspection, no hazards were found. It is a focused inspection, so not everything gets looked at unless something obviously pops up during investigation.
 - **Juliann Sum:** We define it as "no violations found."

 - **Question/Comment:** Does this include the new ranking system that fed OSHA is using for inspections?
 - **Barbara Goto:** No, it does not. These are straight inspection numbers, and we are not using the ranking for them.

 - **Art Carter:** It was mentioned earlier that the Cal/OSHA program should be more proactive in terms of obligations. The mandatory requirement is to report serious, and small employers who are involved may or may not call a workers' comp carrier. One thing to help the employers avoid the \$5K penalty is for someone to carry legislation that would require workers' comp carriers to report or allow them to report. It is routine that the workers' comp carrier is the first that employers call.
 - **Response:** That is a great idea, but you have to keep in mind that you would have to educate the worker' comp carrier as well. In California that also means that if legislation is carried out on that, we would also be required to report if a serious injury happens later after time has passed since the initial incident, and I think reporting hospitalizations that are years after the date of injury wouldn't do

anything for employers or Cal/OSHA.

- **Barbara Goto:** We talked a lot with Cal/OSHA about looking at how they handle complaints in a manner that makes more sense. Again, we understand that Cal/OSHA has to follow a statute, and that something has to be done about prioritizing. Targeting for fed OSHA is identifying high hazard and focusing resources there without going into complaints and the severity of the reports. It is about having a good balance.
- **Juliann Sum:** We do have different thresholds for what is considered serious, and we have higher penalties.
 - **Question/Comment:** For the statistic on lockout tagout, it seems like the number is a lot for temp workers. Is that something that we need to do a bit more on? Also is there a quick update on the P&P for serious?
 - **Juliann Sum:** Lockout tagout and confined spaces. We have identified areas for doing more educational work.
 - **Debra Lee:** We currently have a P&P committee that is working on updating our entire P&P manual as we speak.
 - **Follow-up:** Regarding P&P C-1B, we've asked this in previous meetings and have gotten the same response for 2 or 3 years now. Can we get a date on that?
 - **Juliann Sum:** We have a lot of sections that we are looking at right now and we are making progress. It is taking a lot of time, so I don't know what the status is as the work is voluminous. When we have an actual target date, we will be sure to let you know, and several sections have already gone up.
- **Barbara Goto:** The data that we are presenting is only for serious injury reports, so they're not for all inspections. The reason why there is lockout tagout at the top (of the slide) is that we are looking at amputations and hospitalizations.
 - **Question/Comment:** These are serious injuries, but are they also broken down into programmed and non-programmed?
 - **Barbara Goto:** What we were trying to do at federal OSHA is look at how the serious injury recording compare to what we are doing in other areas. How does it impact our overall program? So we wanted to show that for programmed inspections, this is the percent of serious that we are getting, but for serious injury reports, we are getting this much, or for complaints, we are only getting this much. It is a comparison to see if we are on the right track or do we need to revamp the program so that we're doing a higher number of serious inspections? It is a specific data analysis of this particular program.
 - **Question/Comment:** With the new federal OSHA serious injury reporting program, along with the outreach that was done, is there any one from Cal/OSHA that can respond as to whether that general outreach got conveyed to employers that they have to report?
 - **Juliann Sum:** I have not been made aware of any increase of reports. We've had a lower threshold so most employers have been aware. Fed OSHA now has a threshold that is similar to what we've had all this time. We don't have information available right now if we have gotten a decrease of reports.
 - **Question/Comment:** I don't think it would change anything by having the worker comp carriers report. We've had the requirement to report serious injuries since 1917, so the

rules are not going to change. We should just do outreach to let people know the requirement.

- **Art Carter:** The key are small and mid-sized employers and contractors who are all over in different areas, especially in the valley. More often than not, they only call the comp carrier but never make a report, and 8 hours or 24 hours have already gone by. That is a \$5K penalty. The concern that I have is that the reporting goes underground and never happens, and workers are continuously exposed to hazards while small employers don't get caught. The issue here is that if you make the report late, it will cost \$5K. Cops, firefighters, paramedics, and employers are already reporting, but there are workers falling between the lines. It's a common thing to see when someone fails to make that report.
- **Juliann Sum:** This has been an interesting conversation, and has given us great food for thought, especially for the recommendations on outreach and on the different kinds of inspections. We appreciate your input, and we will meet again in about three months. Thank you.

Meeting adjourns at 12:33 p.m.