

California

Occupational Safety and Health
Program

State OSHA Annual Report (SOAR)

Federal FY 2012



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EXECUTIVE SUMMARY

The Cal/OSHA annual report documents progress toward achieving the Cal/OSHA strategic vision of becoming a model agency that promotes workplace safety and health by motivating employers and employees to be actively involved in preventing hazards, which may lead to reduced injuries and illnesses on the job.

The role of Cal/OSHA is to enforce safety and health regulations for employers who are not in compliance with the law through enforcement efforts and to provide compliance assistance through targeted outreach, education and training and to emphasize increased awareness on the part of both employers and employees of the importance of a safety and health culture.

Cal/OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with Cal/OSHA standards before enforcement measures become necessary—and, more importantly before an employee is injured or killed. Traditional enforcement methods are supplemented by incentive and education programs and targeted outreach that encourage voluntary compliance. Partnership and cooperative programs leverage Cal/OSHA's resources.

In accordance with the requirements of the Government Performance and Results Act (GPRA), California developed a Five-Year Strategic Plan covering the period 2008 through 2012. The Five Year Strategic Plan incorporated the three federal OSHA goals as its direction. The three overall strategic goals are:

- Goal 1. Improve workplace safety and health for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.
- Goal 2. Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.
- Goal 3. Secure public confidence to maximize Cal/OSHA's capabilities by improving the effectiveness and efficiency of CAL/OSHA's programs and services.

The Fiscal Year (FY) 2012 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2012 Performance Plan included specific performance goals designed to produce measurable progress toward realization of Cal/OSHA's strategic goals. Performance goals included, but were not limited to:

- ⇒ Reducing fatalities in construction and agriculture;
- ⇒ Reducing injuries, illnesses and fatalities in selected high hazard industries with a goal of removing the industry from the High Hazard List due to decreased injury and illness rates;
- ⇒ Reducing the rate of injuries, illnesses and exposures in facilities covered by the Process Safety Management standard;
- ⇒ Focusing heat illness prevention efforts in the construction, agricultural, and other outdoor industries through training, outreach, development, and promotion;
- ⇒ Improving communication with and education to high-risk non-English employee populations regarding workplace safety and health rights, responsibilities, and hazards;
- ⇒ Identifying new partnerships and renewing existing partnerships into the California Voluntary Protection Program (Cal/VPP) and/or Cal/VPP for Construction;
- ⇒ Reducing the time from opening conference to issuance of citations on a Statewide basis.

This annual report for Cal/OSHA Enforcement reflects the integrated approach to achieving goals which were stated in the Cal/OSHA Strategic Plan. Cal/OSHA Enforcement programmed and self-referral activities have continued to be coordinated to ensure the greatest impact on selected industries with the highest preventable injury, illness and workers' compensation rates.

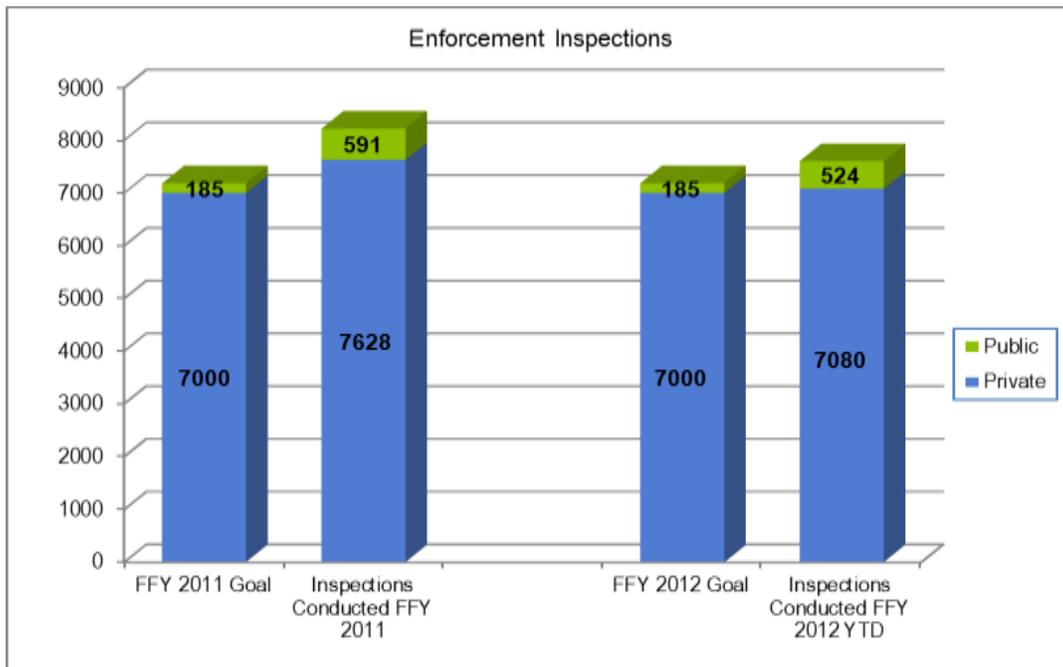
FY 2012 ACCOMPLISHMENTS

California has encountered many challenges over the last few years. Three day a month furloughs, which lasted through October 2010, and more recent hiring freezes prohibited Cal/OSHA from hiring much needed personnel, particularly field staff. However, early in the 2012 federal fiscal year, Cal/OSHA was authorized to fill 68 critical vacant positions. As a result, several important positions were filled and promotions made, including the Principal Safety Engineer for Research and Standards, Coordinator of Professional Development and Training Unit, several Regional and District Manager positions, and needed compliance inspector slots. In addition, experienced tower crane inspectors were hired from the private sector, and staffing was increased for the Asbestos Control Unit. As part of a state government-wide cost reduction effort, DOSH has consolidated the Sacramento offices to one location, and closed the Monrovia District Office and reallocated staff where most needed in the Los Angeles area. At the same time, the Division has re-opened a Bakersfield office – a development which is greatly welcomed in Kern and San Luis Obispo Counties. In addition, the Division has hired new staff in several areas: a medical health officer and occupational nurse in southern California, as well as additional field staff.

Throughout the lean times, Cal/OSHA has persevered, achieving and surpassing many of the activity measures set forth in the FY 2012 Annual Performance Plan.

Enforcement and Educational Activities

This Federal fiscal year, Cal/OSHA enforcement successfully conducted a total of 7,604 inspections, exceeding the goal to conduct 7,185 inspections. The aforementioned inspections were comprised of 7,080 private industry inspections and 524 public sector inspections. During this time, Cal/OSHA identified 15,074 hazards, potentially affecting the estimated 2.7 million workers employed at these establishments. Of the hazards identified, 31 resulted in willful, 33 repeat, and 11 failure-to-abate citations¹. These numbers, however, are expected to increase as information continues to be data-entered into the Federal Integrated Management Information System (IMIS).



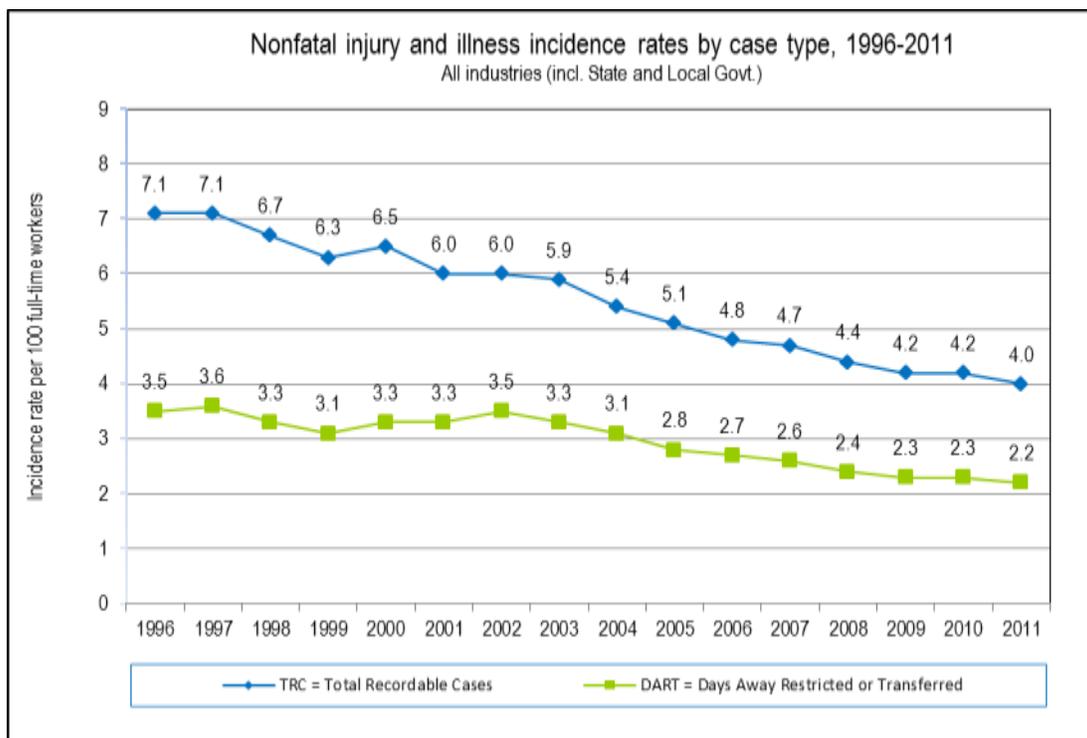
¹ Federal IMIS Inspection Report dated November 29, 2012.

While enforcement activities are critical to the Cal/OSHA program, education is also a valuable component to the success of our mission. To achieve this, Cal/OSHA teamed up with workers' compensation insurance providers, employer groups and associations, and others to participate in various training seminars throughout California to help employers become self-sufficient in reducing occupational injuries and illness and workers' compensation losses. Topics covered during these seminars have included: recognizing the most frequently cited hazards; understanding Cal/OSHA and the inspection process; how to prepare for an inspection; employer/employee rights and responsibilities; AB 2774; heat illness prevention; new Cal/OSHA standards, and other industry specific topics.

Cal/OSHA has also availed of opportunities to participate in community outreach events to give a face to Cal/OSHA and reach out to the public it serves. This is particularly important when the targeted audience is the limited or non-English speaking population that is often reluctant to report hazardous conditions in the workplace.

Injuries, Illnesses and Fatalities

Cal/OSHA firmly believes these combined enforcement and educational efforts have contributed to the sustainment of California's already low on-the-job total recordable case (TRC) injury and illness incidence rate of 4.0². Please see the following graph.



The rate of fatalities for CY 2010 was 2.1 per 100,000 full-time equivalent (FTE) workers as reported by the Census of Fatal Occupational injuries (CFOI)³. This number represents a decrease compared to CY 2009 which had a rate of fatalities of 2.6. The rate of fatalities is also lower than the national rate of fatal work injury for U.S. workers in 2010 of 3.6 per 100,000 full-time equivalent (FTE) workers

² Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2010 www.dir.ca.gov/DLSR/Injuries/2010/2010Table1.pdf. 2011: <http://www.dir.ca.gov/OPRL/Injuries/2011/2011Table1.pdf>

³ 2009 Census of Fatal Occupational Injuries Fatal Work Injury Rates California available at www.dir.ca.gov/dosh/cfoi/2009%20CA%20Fatality%20Rates.pdf

(compared to 2009 figure of 3.5.)⁴. California fatality rates for CY 2011 are not currently available as the total number of fatal occupational injuries is preliminary and not yet finalized. Please refer to the following tables.

California Fatality Rates

Industry													
Fatality Rate	Overall Rate		Ag, forestry, fishing, and hunting	Const	Mfg	Transportation and Utilities	Whsle. and retail trade	Financial activities	Prof. and business services	Educ. and health svc	Leisure and hospitality	Other services, except public admin.	Public Admin
2009	2.6		11.1	6.1	1.6	8.0	2.8	1.1	2.5	0.9	1.9	1.8	2.6
2010	2.1		11.5	5.2	1.7	6.5	1.8	0.6	1.0	0.8	1.1	2.5	3.4

<http://www.bls.gov/iif/oshwc/foi/rate2009ca.pdf>

<http://www.bls.gov/iif/oshwc/foi/rate2010ca.pdf>

National Fatality Rates

Fatality Rate	Total	Private Ind.	Ag, forestry, fishing, and hunting	Const	Mfg	Transportation and Utilities	Whsle. and retail trade	Financial activities	Prof. and business services	Educ. and health svc	Leisure and hospitality	Other services, except public admin.	Gov't.
2009	3.5	3.7	27.2	9.9	2.3			1.2	3.1	0.8		2.8	1.9
2010	3.6	3.8	27.9	9.8	2.3			1.3	2.6	0.9		3.0	2.2

http://www.bls.gov/iif/oshwc/foi/foi_rates_2009hb.pdf;

http://www.bls.gov/iif/oshwc/foi/foi_rates_2010hb.pdf

⁴ Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries for civilian workers by selected worker characteristics, occupations, and industries, 2009 www.bls.gov/iif/oshwc/foi/foi_rates_2009hb.pdf

SPECIAL INITIATIVES

Heat Illness Prevention

Heat illness prevention continues to be a major focus for the Cal/OSHA program. Educational and enforcement efforts were continued this year due to the 2010 strengthening of the heat illness prevention standard and enhanced action on heat illness prevention by federal OSHA.

The OSHA national emphasis program on heat illness prevention was inspired by work done in California. Many of the materials used in the federal OSHA efforts were adapted from *Heat Hazards in Agriculture – a Guide for Employers to Carry Out Tailgate Training for Workers*, developed by Cal/OSHA and the Labor Occupational Health Program.

Using these and other materials, Cal/OSHA provided extensive training and outreach on the heat illness prevention standard and stressed the importance of preventive measures throughout the year, but especially during the warmer months. Essential to this endeavor was the partnering with industry, community, and labor groups to educate employers and workers on the steps needed to prevent occupational, heat-related illnesses and fatalities. As of November 2012, the Division had found better compliance related to heat illness prevention in agriculture versus construction. However, overall there are more non-heat-related violations found in coordinated heat inspections in agriculture because of other safety violations.

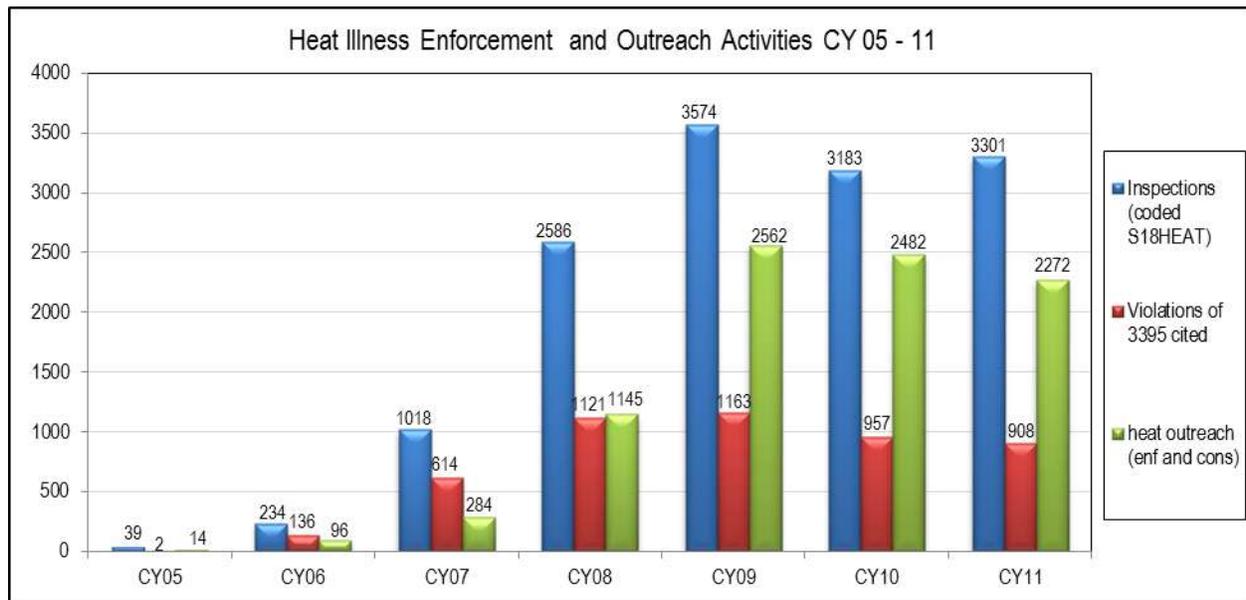
As in past years, training efforts were augmented with television interviews, and regular participation in radio programs to raise awareness of the Cal/OSHA program, how to file a complaint, heat illness prevention and field sanitation issues. Paid radio and billboard advertisements targeting outdoor workers throughout the State continued again during 2012.

In the spring of 2012, Cal/OSHA launched an extensive campaign to ensure that all outdoor workers are protected from heat illness. The campaign combined outreach and education with strong enforcement to ensure that all employers with outdoor workers know and comply with the Heat Standard. The target industries are agriculture, construction, and landscaping, with additional focus on other industries such as oil and gas and utilities. Cal/OSHA conducted cross training sessions during the campaign with California Rural Legal Assistance (CRLA), including one session with the United Farm Workers. Sessions included a Cal/OSHA review of legal procedures available, and a CRLA overview of hazards faced by indigenous workers. In addition, a special Bilingual Outreach Team (BOT) consisting of 3 Spanish speaking retired annuitants and 3 Health Education interns (2 Spanish, one Hmong) conducted several sessions at community meetings, at Mexican and other Central American consulates, and to Spanish language radio and TV outlets, resulting in net impact of a tripling of outreach to Spanish speaking groups during the 2012 summer.

Cal/OSHA has partnered with agricultural and construction industry groups, insurance carriers and others again this year in order to provide training and outreach to employers, supervisors and work crews on heat illness prevention. By the end of the FFY, well over 200 free sessions had been held.

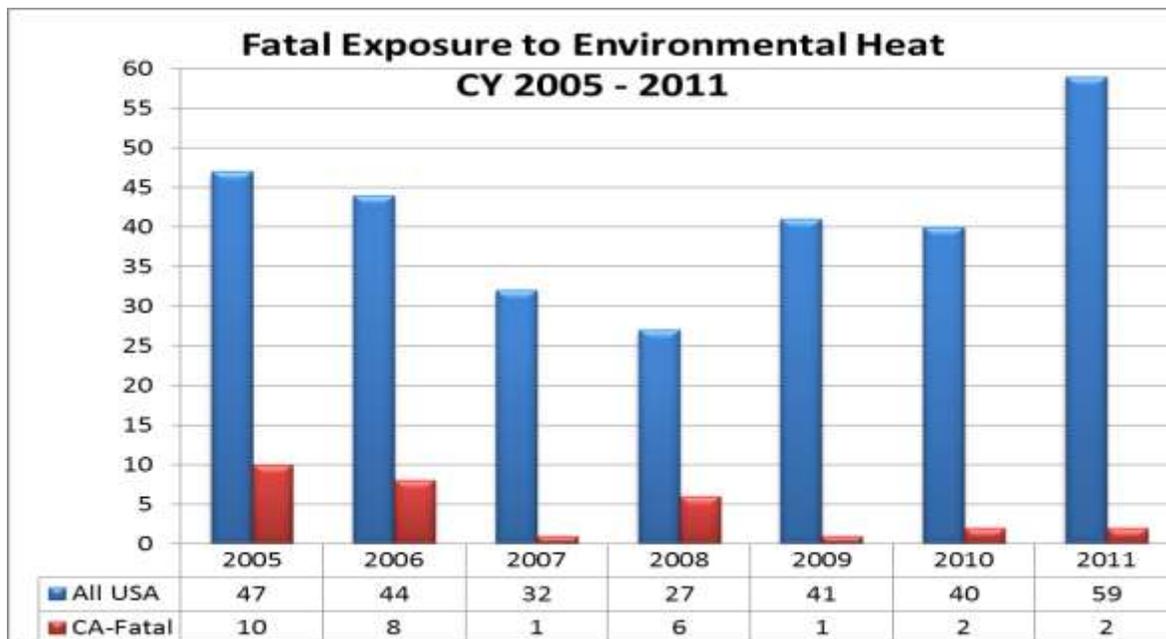
Compliance with this standard was addressed during inspections of industries with outdoor employment year round. Nonetheless, enforcement actions intensified during the summer months with strategically coordinated statewide heat inspections, and local inspections in areas with forecasted heat waves. The summer's coordinated enforcement efforts yielded 618 heat inspections, and the issuance of two heat-related Orders Prohibiting Use (OPU).

The following graph represents the year round enforcement and outreach activities from CY 2005 through CY 2011.



The continued efforts to enforce and educate the workforce about the dangers of heat illness continue to produce positive results. Not only is Cal/OSHA seeing a higher compliance rate with the heat illness regulation from 32% in CY 2006 (the first full year after adopting the regulation) to 75% in CY 2011, but also a decrease in heat related fatalities in the workplace.

In CY 2011, there were 2 confirmed heat related fatalities compared to 10 in CY 2005, when the emergency standard was passed. While California has seen an 80% decrease in heat related fatalities in the workplace since CY 2005, the nation as a whole, as reported in BLS statistics has experienced a 25% increase in reported heat fatalities during this same time, from 47 to 59.⁵ Please see the graph below.



In January, 2012, Cal/OSHA issued citations against two California farm labor contractors following investigations into the heat illness of two employees during summer of 2011, one of which resulted in

⁵ The national statistics may not be entirely comparable in that they may include cases of indoor heat-related fatalities, while California's are focused on outdoor heat cases.

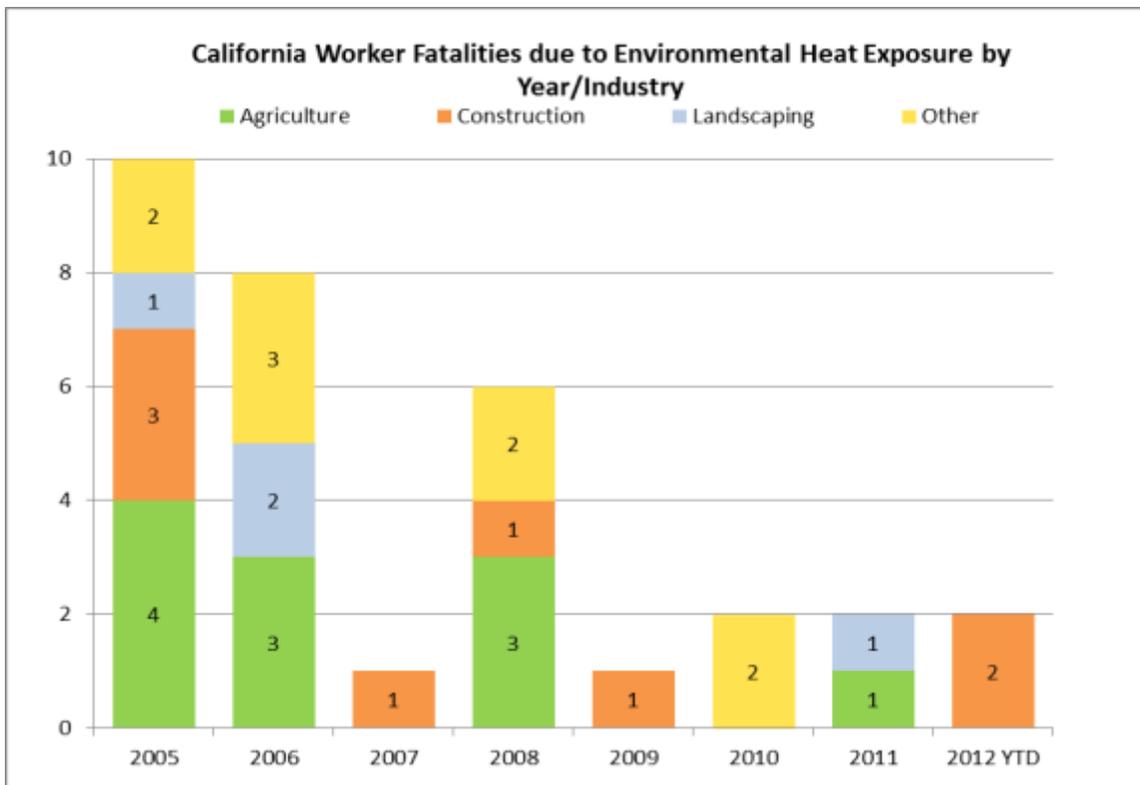
"USA" Source: United States Department of Labor - Bureau of Labor Statistics

the first confirmed heat related death of 2011. Cal/OSHA issued citations to both farm labor contractors, C. Clunn Consulting of Holtville and AgPrime Corp. of Los Banos, for violations of California's heat illness prevention standard.

In the first case, a C. Clunn Consulting employee, age 47, collapsed in a cantaloupe field in Blythe on July 7, 2011 and later died after being airlifted to a hospital in Phoenix. The employee had been packaging cantaloupes, loading 40-pound boxes on a trailer and driving a tractor in 102-degree heat prior to his death. High humidity added greater risk to the worker. The investigation revealed that C. Clunn Consulting did not provide employees or supervisors required training on how to identify and treat symptoms of heat illness. C. Clunn failed to enforce its own Heat Illness Prevention program which included having emergency medical procedures in place to safeguard employees in case of severe heat illness. Citations issued to C. Clunn Consulting included willful, serious and general violations with a total penalty of \$74,125.

In the second case, a 16 year old farmworker employed by AgPrime Corp. was picking bell peppers with his guardians in a field southwest of Bakersfield on July 6, 2011, when he became ill with heat illness symptoms. The temperature in the field had reached 105 degrees that evening when the crew began work. The supervisor noted the worker's illness, but did not seek medical assistance. The young farmworker later recovered from his illness. Cal/OSHA's investigation found that AgPrime did not provide adequate water, shade, rest breaks, or first aid kits at the worksite and did not train new employees or supervisors as required to identify and treat the symptoms of heat illness. Also, Ag Prime had no procedures to protect employees working in high heat conditions or summon emergency medical help if needed. Citations issued to AgPrime Corp include six serious and one general violation with a total penalty of \$61,425.

To date for 2012, California has confirmed 2 fatality cases related to environmental heat exposure. Both of these are related to construction. The following table indicates the distribution of fatalities due to environmental heat exposure, by industry, for the 2005-2012 YTD period.



Language Learning Project

Direct communication with limited and non-English-speaking workers and their employers is a high priority for Cal/OSHA. Starting in 2002, Cal/OSHA sought to overcome language barriers between Cal/OSHA staff by increasing the number of in-house certified bilingual employees, which at the time were 26. By September 2012, Cal/OSHA's bilingual staff (in various languages) had risen to 80 employees who passed the state's language certification exam. These efforts were supplemented by contracting with an external translation service, providing a network of native-speaking language interpreters telephonically available for over 100 languages and dialects for those instances where an in-house bilingual employee was not readily available or staff was unable to identify the language spoken.

Cal/OSHA's commitment to serve the growing number of limited and non-English-speaking workers in California was reaffirmed in 2011 by introduction of the Division's Language Learning Project.

The Cal/OSHA Language Learning Project provides tuition fees, books and paid study time for employees interested in learning a second language after work hours at a community college, UC/CSU extension, or other local provider (on-line courses excluded). During FFY 2012, nine employees enrolled in Spanish classes, with some taking sequential classes (beginner, intermediate and advanced) for a total of 17 classes funded by Cal/OSHA. Although Spanish is the current priority, Cal/OSHA is also considering other languages in the future as well.

Confined Space Initiative

In 2011, seven workers were killed in confined space incidents in California, including two young brothers in Kern County overcome by toxic gases in a recycling drainage tunnel. Confined space hazards frequently claim more than one life: In October, 2011 at the Community Recycling & Recovery in Lamont, California, one worker cleaning a drainage tunnel was overcome with hydrogen sulfide gas. Another worker rushed in to save him and was also overcome. Both workers died as a result.

In February, 2012, Cal/OSHA launched a statewide Confined Space Special Emphasis Initiative to focus attention on preventing worker deaths and injuries in confined spaces in worksites across the state. As part of this initiative, Cal/OSHA issued a Confined Space Hazard Alert to help employers and employees identify confined space situations and take immediate steps to protect workers. The goals of the Confined Space Emphasis Initiative are to:

- Increase awareness of employees and employers of these hazards.
- Provide resources, online materials, training, and consultation to prevent injuries and deaths
- Increase enforcement efforts to ensure all employers have adequate confined space programs and training at their workplaces.

The following table lists updated information on inspections that found violations of California's confined space standard in the past 3 years.

Inspections with Confined Space 5157 or 5158 violations issued in
CY2010, CY2011 and CY2012 (YTD)

Calendar Year	# of Inspections with 5157 or 5158 Violations	5157 Violations			5158 Violations		
		Non-Serious	Serious	Willful	Non-Serious	Serious	Willful
CY2010	31	34	9	1	13	2	0
CY2011	27	42	12	4	5	5	3
CY2012 (To-Date)	67	95	29	0	6	3	0

Note:

CY 2010 & 11 data as of 3/15/12
CY 2012 data as of 11/29/12

Professional Certification

In 2011, Cal/OSHA revitalized its Professional Development and Training Unit (PD&TU) to enhance and maintain the professional expertise of its compliance and consultation staff. An internal Cal/OSHA Training Committee was formed and the PD&TU is implementing the federal training requirements for both longtime staff and recent new hires. Training includes both in-service classes and webinars conducted by DOSH staff and out-service classes taught by academic institutions and professional organizations in the state.

As a way of encouraging professionalism of its field staff, Cal/OSHA began in 2011 to support staff in achieving certification in their fields. In FFY 2012, the Division funded tuition, books and provided paid study time for staff interested in taking a Certified Safety Professional (CSP) exam preparation course at UC Davis or UC San Diego. Requirements for enrollment in the preparation course include a four-year college degree, three years experience, and approval by the Board of Certified Safety Professionals (BSCP). Thirty DOSH employees took the UC courses, which began in January 2012, and three employees passed the CSP or ASP exams by the end of FFY 2012.

A similar opportunity is offered to industrial hygienists interested in certification as well. Because there are numerous Certified Industrial Hygienist (CIH) exam preparation courses offered throughout California, Cal/OSHA industrial hygienists interested in certification can apply for the course and, if approved, the Division will fund their participation as well. In FFY 2012, two industrial hygienists took the exam prep courses, and one of these took and passed the CIH exam.

PARTNERSHIPS / COMPLIANCE ASSISTANCE

Participation in the Labor Enforcement Task Force

The Labor Enforcement Task Force (LETF) combats the underground economy in California to create an environment where legitimate businesses can thrive. In this joint effort between state agencies and affected communities, information and resources are shared to ensure hard-working, compliant business owners and their employees have an opportunity for healthy competition.

The term “underground economy” refers to any business who deals in cash and/or uses other schemes to cover up its true tax liability from government licensing, regulatory, and taxing agencies. Common “underground economy” practices include tax evasion, tax fraud, cash pay, tax gaps, wage theft, payments under-the-table, and off-the-books. Businesses that engage in these types of practices also manifest disregard for the safety and health of their employees, and undercut the legitimate employers who invest in the means, methods and practices necessary to provide worker protection.

The LETF's goals are to:

- Ensure workers receive proper payment of wages and are provided a safe work environment.
- Ensure California receives all employment taxes, fees, and penalties due from employers.
- Eliminate unfair business competition by leveling the playing field.
- Make efficient use of the state and federal resources in carrying out the mission of the Labor Enforcement Task Force.

Besides Cal/OSHA, members of LETF include the Division of Labor Standards Enforcement (DLSE), the Employment Development Department, Contractor's State Licensing Board, California Department of Insurance, the Board of Equalization, the Bureau of Automotive Repair and the State Attorney General.

Cross referrals with the Division of Labor Standards Enforcement (DLSE)

Under California law, the Division of Labor Standards Enforcement (DLSE) has responsibility for investigating worker complaints related to unpaid wages, lack of rest breaks, and other labor law violations. Unlike the federal system, DLSE – not Cal/OSHA – is responsible for investigating worker complaints of retaliation, reprisal and discrimination by employers against employees who express concern about and/or contact DOSH regarding unsafe and unhealthy working conditions.

In May 2012, DLSE and DOSH established a streamlined system involving new forms and a centralized processing point for cross-referrals between the two agencies so that all referrals are logged and tracked. DOSH refers complaints of labor law violations and employer discrimination to DLSE, while DLSE refers worker complaints, and the observations of its own employees conducting DLSE inspections of work sites, regarding unsafe and unhealthy working conditions to DOSH. The new procedures have resulted in more reliable and rapid cross-referrals between DOSH and DLSE.

Between May and September 2012, DOSH forwarded 130 referrals for investigation to DLSE, 82 concerning labor law violations and 48 concerning employer retaliation and discrimination. During the same period DOSH has received two referrals from DLSE concerning working conditions.

California Collaborates with the Refinery Industry to Provide Training to Washington State OSHA

In June 2011, three Cal/OSHA PSM staff members provided Federal OSHA 3300 Process Safety Management for the Petroleum Refining Industry training to 25 Washington compliance staff, two refinery management personnel, and one representative from United Steel Workers. The participation of industry representatives provided a realistic and practical dimension that would have been missing had only compliance officers attended.

The training consisted of dissecting the 13 elements of the Federal PSM standard into understandable, manageable components, and discussing the expectations and deficiencies of a performance based standard. Through its positive relationship with the refinery industry in California, Cal/OSHA was able to obtain access to and conduct an unprecedented, comprehensive tour of the ConocoPhillips refinery in Ferndale, Washington. At the site, staff was divided into groups of five (5), with each group touring a different unit where they were met by an operator and supervisor for that unit and a unique element of PSM was discussed that was specific to each process unit's operation.

In April 2012 the Cal/OSHA PSM Training Team was requested again by Washington State OSHA to provide training in the Fed/OSHA training course 3400 Process Safety Management for the Chemical Industry. Like the previous year, 30 Washington compliance staff participated in the training along with business representatives of the ammonia refrigeration industry. The training consisted of understanding how the implementation of process safety management was different from that of the petroleum refining industry and to discuss what codes and trade organizations represent the ammonia refrigeration industry. Like the class before, this class was able to tour a cold storage facility and "map out" process lines and equipment via a process flow diagram.

San Francisco Public Utilities Commission

The DOSH Mining and Tunneling Unit has continued to work cooperatively with the San Francisco Public Utilities Commission to help improve safety at their Bay Tunnel Construction Project, a 15-foot diameter by 26,190 foot long tunnel beneath the south end of San Francisco Bay, and at their New Irvington Tunnel Construction Project, a 10.5 foot diameter by 18,660 foot long tunnel through the hills of the Sunol area. At the Bay Tunnel, ventilation has been considerably improved and the hyperbaric entry plan has been modified extensively to make conditions safer for employees.

At the New Irvington Tunnel, construction has been slowed by difficult mining conditions such as loose ground, water intrusion and the occurrence of Methane gas. SF-PUC has participated in several focus meetings since last Federal Fiscal Year, which were designed to ensure that employees are not injured as they excavate through this area of known earthquake faults. Despite challenges posed by existing conditions, safety has improved significantly since the beginning of this Federal Fiscal Year. As the owner of these projects, SF-PUC has continued to apply considerable leverage in the matter of employee safety, and they continue to support the Division's efforts to excavate these tunnels safely.

Another big project which started last FFY, and has continued into the present one is the Calaveras Dam Reconstruction project. The project is largest in the 81-project Water System Improvement Program, and will involve four years of work, 416 million dollars, 7 million cubic yards of soil excavation (much of which will be in soils containing >1% asbestos), and the construction of a 220 foot tall dam. The project will require moving large portions of mountains and filling in valleys. Because of the immense size and complexity of this project, at its inception the Division participated in meetings with general contractors and owner representatives to discuss in detail personal and vehicle decontamination, foot and body protection, employee training, air monitoring and analysis, respiratory

protection (including their application of 1/10 the PEL for respiratory protection), HEPA ventilated cabs, dust control and wetting, and medical evaluations.

Part of the cooperative effort, a site tour was conducted with the participation of key members, including representatives of the owner, SF PUC. Meetings and phone conferences continued throughout this FFY, which have been successful in that participants have been receptive and cooperative. To date, the project is proceeding without any significant health or safety concerns.

Department of State Hospitals

The mission of the Cal/OSHA Enforcement Program to protect workers from occupational safety and health hazards that can cause injury, illness, or death by enforcing California's occupational safety and health laws. To achieve this mission, Cal/OSHA uses a multi-faceted approach, one of which is investigating serious injuries and fatalities to identify regulatory violations which may have contributed to the incident and, when corrected, will prevent future injuries and fatalities. Although this reactive method is an essential component to the Cal/OSHA mission, also critical is pro-active education and promotion of a culture of injury and illness prevention.

Cal/OSHA has issued numerous citations to the California Department of State Hospitals (DSH) in inspections resulting from employee complaints and employer reports of employee injuries caused by workplace violence at the five state mental health hospitals operated by DSH.

Because of the frequency and severity of employees injuries (which have included fatalities) at the state hospitals, in FFY 2012 Cal/OSHA initiated four work groups with DSH managers and unions representing hospital employees, as part of a special effort to improve worker safety at the state's mental health facilities. Each work group has had its own focus, including effective workplace violence prevention programs, alarm systems and emergency response, and incident reporting and post-incident medical treatment and counseling.

The result of the DOSH-DSH work groups will be a DSH-wide template for workplace violence prevention programs that will be customized and made site-specific at each of the five hospitals and two prison mental health facilities. With over 90% of patients in the DSH facilities originating from the criminal justice system, it is vital to generate and nurture a culture of employee safety in DSH as well as effective policies and programs.

This collaborative project was begun in November 2011 and is currently coming to its conclusion.

SIGNIFICANT CASES

Cal/OSHA encountered many noteworthy cases during FY 2012. Some of these include:

Citations to sugar refining plant

C&H Sugar Company, Inc. (#315267815)

On December 21, 2011, Cal/OSHA's High Hazard Unit issued citations with total penalties of \$157,250 against a sugar refining facility located in Crockett, CA. The inspection resulted in six General, 11 Serious, one Serious/Willful, three General/Repeat and ten Regulatory citations. The complaint-initiated inspection opened on June 21st, 2011. The General citations issued related to unsafe electrical, lack of toilet facility in good working order, not securing compressed gas cylinders, improper storage of respirators, and obstructed fire extinguishers. The Serious citations related to missing guardrails and midrails, missing spreader and anti-kickback device on table saw, ineffective radial arm saw return mechanism, unguarded machinery, and obstructed emergency eyewash and shower equipment. The Serious/Willful citation related to missing ladderway opening gate or equivalent protection. The General/Repeat citations related to liquid leaks and significant liquid pools of water and liquor on floors and walkways.

Citations to Warehouse Operators

Tri-State Staffing (#314757600), and National Distribution Centers (#314757618)

On January 13, 2012, Cal/OSHA's High Hazard Unit issued citations with total penalties of \$256,445 in nine inspections against a Chino, CA, warehouse (National Distribution Center) and its temporary help staffing contractor (Tri State Staffing) that resulted in 31 General, 29 Serious, two Serious/Accident-Related and two Regulatory citations. The investigations, which took place at four warehouse locations in Chino, included complaint-initiated inspections opened on August 2nd and 8th, and a reported indoor heat illness case opened on September 1. The General citations issued related to unsafe electrical, lack of personal protective equipment, ineffective injury and illness prevention programs and lack of a heat illness prevention program. The Serious citations related to fall protection systems for high-rise pickers, unstable storage stacking, unguarded machinery, unlocked bailer and compactor controls, lack of forklift speed limits or their enforcement, and problems with emergency eye washes. Three of the four locations inspected were dual employer locations - at the fourth location National Distribution Center was the sole employer.

Citations in the Sylmar explosion

Rainbow of Hope (# 314825910), Realm Catalyst Inc. (#312437163) and Strategic Sciences Inc. (#314827890)

In February, 2012, Cal/OSHA issued citations to Rainbow of Hope aka Rainbow of Hope Foundation, Strategic Sciences Inc. and Realm Catalyst Inc., as the result of an investigation into an explosion that occurred at an alternate fuel development and experiment facility. The explosion occurred when a pressure vessel containing compressed oxygen/hydrogen gas exploded. Three employees were injured as a result of the blast, two critically. One worker lost his left arm below the elbow, the second critically injured employee lost his right arm below the elbow and his right leg below the knee. Another worker was treated and released for minor injuries. Citations issued included a violation for maintaining non-insulated copper pipes on the output side of a generator used in the production of TyLar gas, failure to properly identify the components of the TyLar gas and its associated physical and chemical hazards as required, and for continuing to store compressed oxygen and hydrogen gases (known incompatible gases) in pressurized vessels prior to use for the production of TyLar gas. The employer previously knew that hydrogen gas is incompatible with oxidizers, yet continued to manufacture and store the two gases in mixture together. The employers failed to correct hazardous conditions that had been previously identified in two prior explosions, including one incident that resulted in the death of a worker in Simi Valley in June, 2010. Instead, the Rainbow of Hope and Realm Catalyst continued to manufacture TyLar gas without protecting employees from explosion hazards.

**Citations in the Lamont confined space double fatality
Community Recycling & Resource Recovery (#315072637)**

In March, 2012, Cal/OSHA issued sixteen citations totaling \$166,890 against Lamont-based composting facility Community Recycling and Resource Recovery. The citations were issued as the result of an investigation triggered by the Oct. 12, 2011 deaths of two brothers, aged 16 and 22. The workers died due to inhalation of hydrogen sulfide gas while cleaning an underground storm drain system at the recycling facility. Cal/OSHA identified the drainage system as an imminent hazard due to high levels of hydrogen sulfide gas resulting from the decomposition of food waste. Cal/OSHA investigators issued an Order Prohibiting Use barring worker access to the entire drainage system. The order was expanded on Nov. 2, 2011 to prevent any activity within six feet of the openings to the system, and rescinded on Jan. 6 2012 after the employer implemented a Confined Space Entry Program that meets Cal/OSHA requirements. The two workers were clearing debris from an obstructed ten foot shaft of the storm drain system. After one of them lost consciousness from exposure to hydrogen sulfide gas, his brother attempted to rescue him, only to lose consciousness as well. The first worker was pronounced dead at the scene, while the second one died at Kern Medical Center on November 14, 2011 after being taken off life support. Sixteen citations were issued to Community Recycling concerning the company's failure to have an adequate confined space program, including proper training, testing for atmospheric hazards, and rescue procedures. Twelve citations were issued for serious violations with five being accident related. Four of the citations were issued for general workplace safety violations.

A&B Harvesting (#315072645), a farm labor contractor that provides workers to Community Recycling, was also cited for failure to train employees in the hazards of confined spaces. One of the victims was employed by A & B Harvesting when he died.

**Citations in Ventura County fatal trench collapse
Abraham Zarfani (#314825302) and Samuel Bruttomesso (#314827395)**

On March 16, 2012, Cal/OSHA issued numerous citations with total penalties of \$176,425 in two inspections against unlicensed contractor Abraham Zarfani and homeowner Dr. Samuel Bruttomesso, as result of a fatal trench collapse accident investigation. Dr. Bruttomesso, a pediatrician, upon initiating a contract with American Builders Corporation (ABC) in January 2011 to shore up his beach house, subsequently terminated said contract in August of 2011 and continued the project with unlicensed Abraham Zarfani – previously ABC sales representative - as his contractor of record. On September 15, 2011, the Ventura County Building and Safety Inspector, during a regular site visit, advised Mr. Zarfani that construction of the retaining wall was not in compliance with code and that engineering designs must be incorporated because the retaining wall was surcharging on top of an existing retaining wall, and asked, in a Notice to Comply, for installation of shoring per code for safety. Three days later, on September 18, 2011 the excavation collapsed, fatally injuring one of the three workers who were on the project that Sunday. Due to the engagement of Abraham Zarfani as an unlicensed contractor performing work for which a contractor's license is required, both Abraham Zarfani and Dr. Brutomesso were each issued a Serious citation for the installation of a non-resistant trench shoring system, and Serious citations for lack of a competent excavation person at the job-site, and lack of ladder to access/egress to/from the trench. The failure to design the protective system in accordance with the regulatory requirements was cited as Serious/Accident-Related to Dr. Brutomesso, and Willful Serious to Abraham Zarfani, who had specifically been warned by the building inspector about the non-compliance shoring system. Regulatory and General citations were also issued to one or both of the individuals for failure to obtain an excavation permit, to develop and maintain an injury and illness prevention program, to survey the site for hazards, and to comply with subsurface installation notification requirements.

**Citations to food packaging company for serious Carbon Monoxide exposures
L & L Foods (#315526160) and Barrett Business Services, Inc. (#315526582)**

On March 27, 2012, Cal/OSHA issued citations with total penalties of \$167,640 to two employers operating a large food packaging business. The investigation was conducted as result of a report by Anaheim Regional Medical Center that a worker had been admitted to the hospital with acute Carbon

Monoxide poisoning. The CO levels in the office area were determined to be 15-17ppm (PEL =25ppm), and upon opening the door to the hallway leading to the production facility, the CO level climbed to 200ppm, the ceiling limit. Several citations were issued to the two employers involved in a dual employment situation. The Regulatory and General citations addressed employers' failure to post forklift operating rules, ineffective injury and illness prevention programs and failure to provide restroom facilities to employees. Two Willful citations were issued: one General, for employers' failure to monitor employees' exposure, and one Serious, for over exposing employees to Carbon Monoxide, which resulted in serious health effects.

**Citations to painting manufacturer for confined space fatality and serious injury
Vista Paint Corporation (#315526707)**

On May 10, 2012, Cal/OSHA issued citations to Vista Paint Corporation, with total penalties of \$159,040. The investigation was conducted in response to a confined space accident which resulted in one fatality and one serious injury. The two employees had been assigned to enter a 3000 gallon paint mixing tank, 9 feet deep, 6 x 8 feet square, to scrape old paint off the insides of the tank. The tank had been used to mix water based latex paint, and had previously been considered a non-permit required space. However, as the employees were using a paint stripper containing 60-100% Methylene Chloride, the tank should have been classified as a permit-requiring confined space, which the employer failed to do. As a result, the employees entered the tank and conducted the work without any of the required precautions, which led to the one fatal and one serious exposure to Methylene Chloride. The Regulatory and General Citations addressed employer's failure to report use of a carcinogen, to post warning signs for confined spaces, and to effectively implement its injury and illness prevention program. The Serious citations were issued for employer's failure to provide proper respirators to employees, for significant permit-required confined spaces violations, and for several violations causing employees' exposure to Methylene Chloride.

**Citations to electroplating company
Orange County Metal Processing (#315526970)**

On June 04, 2012, Cal/OSHA issued numerous citations to Orange County Metal Processing, with total penalties of \$163,220. The inspection was the result of Cal/OSHA's participation in a multi-agency investigation, which coordinated efforts between the Orange County District Attorney's Office and local health agencies to include Department of Sanitation, City of Fullerton Fire Department, County of Orange Environmental Health, HAZMAT Division, and DIR's Division Labor Standards Enforcement. The Regulatory and General citations addressed employer's failure to obtain an air tank permit, to post and enforce forklift operating rules, to report the use of a regulated carcinogen, to comply with Log 300 regulations, to provide MSDSs for hazardous substances present on site, for respiratory protection program shortcomings, for improper use of flexible cords and cables, for unsanitary conditions, for inadequate first-aid kit, and for fire protection violations. The Serious citations related to unsafe electrical equipment, failure to provide employees with eye, face and hand protection while working with hazardous substances, for hazardous substances training violations, for failure to properly store compressed gas cylinders, to provide ventilation while working with open-surface tanks, and to provide required emergency eyewash and shower equipment. Also, three Willful General citations were issued for employer's failure to implement required health and safety programs, and one Willful Serious for the failure to take precautions related to Cyanide use in open surface tanks

**Citations in Milpitas Excavation Collapse
US-Sino Investments, Inc. (#315994384)**

In June, 2012, Cal/OSHA issued fourteen citations totaling \$168,175 to a Fremont-based construction and investment company, US-Sino Investments, Inc. The citations stemmed from Cal/OSHA's investigation into the death of a 37-year-old carpenter who was buried alive under a ten-to-twelve foot excavation wall at a Milpitas residential construction site on January 28. US-Sino was cited for numerous serious and willful violations of Cal/OSHA's safety standards. Following several days of rainfall, the employee had been working at the base of the excavation wall at a residential construction site on January 28 when the wall collapsed on top of him. He was pronounced dead at the scene. The excavation wall that gave way had no soil support system installed as required by Cal/OSHA's

trenching and excavation regulations. California law also requires an annual or project-specific permit for any work that involves a trench or excavation wall exceeding five feet in depth into which workers may be lowered. US-Sino did not obtain such a permit. The instability of the soil and risk of further cave-in prevented rescuers from recovering the victim's body for several days. Cal/OSHA's investigation revealed other serious safety violations at US-Sino's worksite. Exposed rebar was found on the site without proper safety caps, which posed safety hazards to workers. The employer failed to inspect the excavation daily, as required, or inform new workers of the hazards and safety precautions necessary for this work. They had no injury and illness prevention plan or heat illness prevention plan in place, nor any communication plan in place to alert authorities or first responders in the event of an emergency such as this excavation cave in.

The citations Cal/OSHA issued include five classified as serious, two of which were willful, and several general and regulatory citations. Cal/OSHA also referred this employer to the Contractors State License Board (CSLB) and DIR's Division of Labor Standards Enforcement (DLSE) for further enforcement action. CSLB suspended the general building contractor license of US-Sino and its owner upon determining that the employer failed to provide workers' compensation insurance to their employees as required by law.

Citations to waste management for serious worker injuries EDCO Waste and Recycling (#315340950, #315343236)

In June, 2012, Cal/OSHA's San Diego District Office issued seven citations totaling \$111,935 in penalties to Southern California-based EDCO Waste and Recycling Services, Inc., a collection and recycling company with a history of safety violations and worker injury. Citations include a Serious and Willful violation and three Serious Accident-Related violations that resulted in a severe injury to a worker at EDCO. Cal/OSHA had previously cited this company for the same problems that led to this recent worker injury. These new citations resulted from an accident and serious worker injury on December 31, 2011 while workers were connecting a hydraulic cylinder to the packer device in a garbage truck. The hydraulic system was activated to extend the cylinder outward to be connected to the packer, which compacts the trash that has been dumped into the truck. The injured worker was standing on the packer unit inside the truck body when the cylinder struck it, causing him to fall onto an area between the packer and the truck body wall where he sustained crushing injuries.

Citations to commercial food manufacturer for serious worker injuries Maple Grove Gluten Free Foods (#314758715)

On January 6, 2012, Cal/OSHA's High Hazard Unit opened an inspection with Maple Grove Gluten Free Foods Inc. The investigation was conducted at the employer's commercial baking facility where they manufacture a line of gluten free pasta, located in Fontana CA. The Cal/OSHA inspection was performed as a result of a serious injury accident that occurred on December 23, 2011, when an employee lost control of a forklift and sustained a serious injury to his right foot that was crushed between the industrial truck and a concrete wall. On June 22 and July 2, 2012, the employer was issued citations totaling \$211,900.00 consisting of three Regulatory, ten General, and fourteen Serious citations.

Of the fourteen Serious citations that were issued to the employer, two (2) were Accident Related and addressed the employer's inability to maintain their industrial trucks in a safe operating condition and their inability to insure operators keep their limbs inside the running lines/mast uprights. One was issued as Repeat Serious for unguarded belt/pulley drives, and the remainder addressed high voltage electrical hazards, fall protection (guardrails), emergency eye wash/shower, multiple instances of unguarded machinery to include conveyors, shafts, clutched/collars/couplings point of operation. Of the three Regulatory citations issued to the employer, one was issued as Repeat Regulatory for late reporting of a Serious injury. Of the ten General citations issued, two were Repeat General citations for an electrical violation for misuse of "flexible cords" as a substitute for fixed wiring and for failing to implement an Injury Illness Prevention program (IIPP). The remainder of the General citations involved low-voltage electrical violations, blocked aisles, thermal hazards, and programmatic shortcomings involving Hearing protection and IIPP. The employer was also issued two notices of Failure to Abate (FTA) violations for Lock Out/Tag Out and Hazard Communication.

REGULATIONS

New or revised Title 8 California Code of Regulations in FY 2012:

Health Regulations:

GISO Section 5155 Airborne Contaminants (effective March 17, 2012). This rulemaking was pursuant to Labor Code Section 144.6 which requires the Board to periodically update and adopt standards (permissible exposure limits or PELs) for toxic materials and harmful physical agents which will assure worker safety and health. PEL's for four substances, specifically, carbon disulfide, hydrogen fluoride, sulfuric acid and toluene, were amended with the assistance Division's Health Expert Advisory Committee (HEAC). The amendments resulted in a lowering of the PEL of each substance based on scientific study data and that of the American Conference of Governmental Industrial Hygienists (ACGIH) whose Threshold Limit Values or TLV's were also considered by the HEAC committee.

CSO 1512, 1533, 1541, Tunnel Safety Orders 8403, Ventilation Inside Shafts, Culverts and Pipelines (effective May 31, 2012). This rulemaking was based on a DOSH Form request and clarifies the necessity for mechanical ventilation inside shafts (20 feet or less in depth), culverts and pipelines to ensure safe and healthful breathing air, consistent with dilution and exhaust ventilation flow-rate requirements in the Tunnel Safety Orders.

Safety Regulations:

Telecommunication Safety Orders 8608, Fixed Ladders and Steps for Telecommunication Towers and Poles (effective October 6, 2011). This rulemaking action was initiated as a result of a petition that was submitted by Sabre Towers and Poles, which is a manufacturer of communication towers and poles. The Petitioner noted that there are numerous telecommunication towers in California that comply with federal standards but do not comply with current California Title 8 standards. The Petitioner noted that the requirements for the design of fixed ladders and rungs on telecommunication towers and poles were not consistent with federal standards. An advisory committee of stakeholders was convened on December 1, 2010 and reached consensus for a rulemaking action that resulted in amendments consistent with counterpart federal provisions.

CSO 1512, ESO 2320.10, 2940.10, First Aid for Electrical Workers – Horcher (effective October 27, 2011). This rulemaking, based on a DOSH Form 9, revised Title 8 Electrical Safety Orders to address specific first aid requirements for workers exposed the to the risk of electrical shock and to render Title 8 standards for this issue at least as effective as the counterpart Federal requirements contained in 29 CFR 1910.269(b).

Ship Building, Ship Repairing, and Ship Breaking Safety Orders Articles 1, 3, 4, 6, and 8, General Conditions in Shipyard Employment – Horcher (effective December 13, 2011). Federal OSHA promulgated a final rule on May 2, 2011, revising its standards on General Working Conditions in Shipyard Employment found primarily in federal 29 CFR Part 1915. The federal revisions updated existing requirements to reflect advances in industry practices and technology, consolidate some general safety and health requirements into a single subpart, and provide protection from hazards not addressed by existing standards, including the control of hazardous energy. The Board relied on the Federal Register as justification for the Board's rulemaking and adopted standards which are essentially the same as the federal standards. OSHA's promulgation also required minor and incidental modification of California Title 8 General Industry Safety Orders.

Subjects addressed by the rulemaking included, but were not limited to, the following:

- Scope, application, definitions and effective dates.
- Housekeeping.
- Lighting.
- Utilities.
- Working alone.
- Vessel radar and communication systems.
- Lifeboats.
- Medical services and first aid.
- Sanitation.
- Control of hazardous energy (lockout/tagout).
- Safety color code for marking physical hazards.
- Retention of DOT markings, placards, and labels.
- Motor vehicle safety equipment, operation, and maintenance.
- Servicing of multi-piece and single-piece rim wheels.
- Ship's propulsion machinery.
- Electric circuits and distribution boards.

CSO 1532.1, 1615.7, GISO 3361, 5042, 5044, 5045, 5047, 5049; Ship Building, Ship Repairing, Ship Breaking Safety Orders 8355, Standards Completion Project – Phase III (effective January 18, 2012). This rulemaking was the result of the June 8, 2011 promulgation by Federal OSHA of standards addressing requirements affecting the GISO, Shipyard Safety Orders, marine terminals, long-shoring, construction and agriculture. Portions of Title 8 were amended to address updated respiratory protection standards (breathing gas containers), safe operating practices for use of wire rope and chain slings including chain and sling labeling requirements, employee lead exposure monitoring, medical removal protection, and construction industry material handling (rigging) practices.

GISO 3276, 3287, Use of Portable Step Ladders (effective January 28, 2012). This DOSH Form 9 requested rulemaking clarified safety requirements for the use of step ladders specifically prohibiting the stepping and sitting or kneeling on the top cap of the ladder, based in part on similar requirements contained in the ANSI A14.1 and .2 portable ladder standards.

GISO 4188, Definition of General Purpose Die (effective February 4, 2012). This staff initiated rulemaking provides a definition for general purpose press brake dies used in metal fabrication. The definition is national consensus standard based (ANSI B113.3-1982). Even though it was an older ANSI standard the definition is still recognized by the industry as technically accurate.

CSO 1504, 1591, New Appendix A, 1597, GISO 3363, 4925.1, and Mine Safety Orders 7016 (effective March 2, 2012). This rulemaking was based on OSHSB petition File No. 507 by the AGC California and Operating Engineers Local 3 and amended Title 8 construction haulage vehicle standards subject to the diesel air emissions exhaust stack requirements of the CA Air Resources Board to reposition exhaust units (diesel emissions control devices) in such as way as to ensure operator visibility of persons on the ground is not impaired. The regulation describes a testing protocol to be used to determine how the emission control devices are to be positioned to maximize operator visibility.

CSO 1675, GISO 3276, 3278, Single Rail Ladders (effective March 9, 2012). This DOSH Form 9 requested rulemaking defines and prohibits the use of single rail ladders in general and construction industries consistent with Federal OSHA in 29 CFR 1926.1053(b)(19).

CSO 1905, Helicopter Fueling (effective March 24, 2012). This rulemaking was the result of the Board's granting of OSHSB Petition File No. 522 by David Freest, Safety Director, WINCO. The revised standard prohibits the grounding of aircraft (helicopters) and the fuel supply consistent with the

NFPA 407-2009 standard and FAA recommendations on the fueling, grounding and bonding of aircraft and fuel supply equipment.

GISO 3558, 4184, Guarding of Microtomes (effective September 6, 2012). This staff initiated rulemaking proposal was based on a variance granted by the Board to the Laboratory Corporation of America where mechanical tissue slicers (microtomes) are used to prepared histological (tissue specimen) slides for microscopy. The rulemaking provides for an exception to the generalized GISO guarding requirements provided the employer establishes and implements engineering and administrative controls to control the hazard of operators coming in contact with the point of operation resulting in serious employee injury to the hands and fingers.

LEGISLATION

There were two new bills signed by the Governor and affecting Cal/OSHA during FFY 2012. These were The Hospital Patient and Health Care Worker Injury Protection Act (AB 1136), and AB 2399, the State Hospitals Injury and Illness Prevention Plans.

AB 1136⁶ effective January 1, 2012, requires that general acute care hospitals adopt a “patient protection and health care worker back and musculoskeletal injury prevention plan” as part of the employers’ required Injury and Illness Prevention Program. The act requires there be a safe patient handling policy for all units, lift teams or other support staff trained in safe lifting techniques, and training for health care workers on the appropriate use of lifting devices and equipment, the five areas of potential injury exposure, and the use of lifting devices to handle patients safely. Registered nurses would serve as the coordinators of care to observe and direct patient lifts and mobilization, and would participate as needed in patient handling, in accordance with professional judgment and the nurse’s job description. For all facilities, a “safe patient handling policy” must require replacement of manual lifting and transferring of patients with powered transfer devices, lifting devices and specifically trained lift teams. The act prohibits any disciplinary action against health care workers who refuse to lift, reposition or transfer a patient due to reasonable concerns about patient or worker safety, or because of a lack of a trained lift team or appropriate equipment.

Since passage, Cal/OSHA has convened two well-attended advisory committee meetings on safe patient handling with interested stakeholders. The Division is expecting to adopt regulations covering implementation of the law during 2013.

AB 2399⁷, requires all state hospitals to update their injury and illness prevention plans at least once every year and would require the Department of Industrial Relations to submit those plans to the Legislature every 2 years. This bill would require each state hospital to establish an injury and illness prevention committee, which would meet at least 4 times a year, to provide recommendations to the hospital’s director on updates to the injury and illness prevention plan, and would also require each state hospital to develop an incident reporting procedure that can be used to, at a minimum, develop reports of patient assaults on employees and assist the hospital in identifying risks of patient assaults on employees.

⁶ http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1101-1150/ab_1136_bill_20111007_chaptered.pdf

⁷ http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_2351-2400/ab_2399_bill_20120929_chaptered.pdf

**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS
FOR ENFORCEMENT
FEDERAL FISCAL YEAR 2012**

Performance Goal 1.1	Targeting the Mobile Workforce
Performance Goal 1.2	High Hazard Employer Programs
Performance Goal 1.3	Process Safety Management and Related Industries (PSM)
Performance Goal 2.1	Heat Illness Prevention Educational Outreach to Employees and Employer Groups
Performance Goal 2.2	Educational Outreach to Vulnerable Employee Populations
Performance Goal 2.3	Partnership Programs
Performance Goal 3.1	Citation Lapse Time
Performance Goal 3.2	Fatality Response Times

GOAL 1.1

Targeting the Mobile Workforce

Strategic Goal: Improve workplace safety and health for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.

Performance Goal: Reduce occupational fatalities in construction and agriculture.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none">Conduct 3,000 inspections combined for both construction and agriculture.	<ul style="list-style-type: none">3,137 combined inspections were conducted, 2,075 in construction and 1,062 in agriculture during FFY 2012, as reflected by IMIS on November 29, 2012.	<ul style="list-style-type: none">The goal to conduct 3,000 inspections was met. When applicable, construction inspections focused on preventing leading causes of injuries and fatalities due to falls, electrocution, struck-by, or crushed by/caught between. Agriculture inspections focused on preventing leading causes of injuries, illnesses, and fatalities from; heat illness, contact with objects/equipment, and crushed by/caught between.
Intermediate Outcome Measures	<ul style="list-style-type: none">n/a	<ul style="list-style-type: none">n/a	<ul style="list-style-type: none">n/a

Goal 1.1 Targeting the Mobile Workforce (cont.)

<p>Primary Outcome Measures</p>	<ul style="list-style-type: none"> • Reduce fatal injuries, as measured by the Census of Fatal Occupational Injuries (CFOI), in construction and agricultural SICs by 2% as compared to the average for the past three (3) years. • Attempt to sustain a higher percentage of the serious classification of citations as the result of these inspections. 	<ul style="list-style-type: none"> • 45⁸ fatalities in construction SICs in CY 2010 and 38 in agriculture, forestry, fishing and hunting. Final fatality data for 2011 not currently available. Preliminary data shows 50 fatalities in construction and 40 fatalities in construction in CY 2011.⁹ • To date, all but one violation classified as serious have been sustained. However, this number may change as inspections proceed through the appeal process. 	<ul style="list-style-type: none"> • The average number of fatalities for the past three years (2008 - 2010)¹⁰ in construction was 56 and 45 in agriculture, forestry, fishing and hunting. This goal was achieved. • All agricultural and constructions opened during FFY 2012 with serious violations were reviewed. No numeric goal was established for this measure.
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⁸ Table A-1. Fatal occupational injuries by industry and events or exposure, California, 2010 available at http://www.dir.ca.gov/dosh/cfoi/CFOI_2010/cfoi2010.htm

⁹ http://www.dir.ca.gov/dosh/cfoi/CFOI_2011/cfoi2011.htm (accessed 12-4-12)

¹⁰ The number of fatalities for calendar years 2008, 2009, 2010 as reported by CFOI were respectively 67, 56 and 45 in construction and 69, 29 and 38 in agriculture, forestry, fishing and hunting.

GOAL 1.2

High Hazard Employer Programs

<p>Strategic Goal: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.</p>
<p>Performance Goal: Reduce injuries, illnesses and fatalities in selected high hazard industries with a goal of removing the industry from the High Hazard List due to decreased injury and illness rates.</p>

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • Conduct 400 inspections of high hazard industries from highest priority NAICS codes. 	<ul style="list-style-type: none"> • 395 inspections were conducted during FFY 2012 by the DOSH High Hazard Unit, as reflected by IMIS on November 11, 2012. 	<ul style="list-style-type: none"> • The goal to conduct 400 inspections of high hazard targeted industries during in FY 2012 was 99% achieved. However, Cal/OSHA expects the number of inspections to increase as inspection information continues to be data-entered into IMIS.
Intermediate Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a
Primary Outcome Measures	<ul style="list-style-type: none"> • 95% verified abatement of non-contested serious hazards associated with these high hazard inspections. 	<ul style="list-style-type: none"> • 97% of non-contested serious, willful, repeat (SWR) hazards cited during FFY 2012 were verified abated as reflected by the IMIS Scan Detail Report for Cal/OSHA High Hazard Units (using HHU reporting IDs). 	<ul style="list-style-type: none"> • This goal was met.

GOAL 1.3

Process Safety Management and Related Industries (PSM)

Strategic Goal: Improve workplace safety and health for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.
Performance Goal: Reduce the rate of injuries, illnesses and in PSM industries.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • Conduct 25 Program Quality Verification (PQV) inspections at petroleum refineries and other facilities that meet the trigger threshold quantities for the PSM standard. • Participate in eight (8) outreach/compliance assistance activities provided to industry/professional groups. 	<ul style="list-style-type: none"> • 62 PQV inspections were conducted during FFY 2012 at petroleum refineries and other facilities that meet the trigger threshold quantities for the PSM standard, as reflected by IMIS on November 1, 2012. • 8 outreach/compliance assistance activities were provided to industry/professional groups. 	<ul style="list-style-type: none"> • This goal to conduct 25 PQV inspections was exceeded. • Cal/OSHA staff participated in events such as the Alliance Ammonia Safety Awareness Seminar; Refrigeration Engineers and Technicians Associations Safety Day; California Unified Program Annual Training Conference. This goal was met.
Intermediate Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a
Primary Outcome Measures	<ul style="list-style-type: none"> • 95% verified abatement of non-contested serious hazards associated with these inspections. 	<ul style="list-style-type: none"> • 100% of non-contested serious, willful, repeat (SWR) hazards cited during FFY 2012 were verified abated as reflected by the IMIS Scan Detail Report for Process Safety Management Units (using PSM reporting IDs). 	<ul style="list-style-type: none"> • This goal was met.

Goal 2.1

Heat Illness Prevention Educational Outreach to Employees and Employee Groups

Strategic Goal: Promote workplace cultures that increase employee and employer awareness of, commitment to, and involvement in safety and health.

Performance Goal: DOSH will focus heat illness prevention efforts in the construction, agricultural, and other outdoor industries through training, outreach, development, and promotion.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> • Collaborate with agricultural, construction, landscaping, and other related stakeholders to increase compliance at these worksites through education, outreach and by conducting inspections. Goals 1.1 and 2.1 will be combined for a total inspection goal of 3,000. <p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> • A minimum of 10 seminars will be conducted where heat illness prevention will be emphasized. 	<ul style="list-style-type: none"> • 3,137 combined inspections were conducted, 2,075 in construction and 1,062 in agriculture during FFY 2012, as reflected by IMIS on November 29, 2012. Landscaping is considered an agricultural service and is counted as part of the agricultural inspections. • Over 60 seminars were conducted where heat illness was emphasized during FY 2012. Cal/OSHA Enforcement staff participated in an additional 180 outreach events where heat illness prevention was addressed and/or publications were distributed. The aforementioned outreach included TV and radio interviews. 	<ul style="list-style-type: none"> • The goal to conduct a combined total of 3,000 construction and agricultural inspections was met. Note: A total of 2,835 construction and agricultural inspections addressed heat illness prevention (coded S 18 HEAT) during FFY 2012. • This goal was exceeded. Once again, Cal/OSHA collaborated with various organizations to train employers and employees on heat illness prevention throughout the summer.
Intermediate Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a
Primary Outcome Measures	<ul style="list-style-type: none"> • See Goal 1.1. 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a

Goal 2.2

Educational Outreach to Vulnerable Employee Populations

<p>Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.</p>
<p>Performance Goal: To improve communication with and education to high-risk non-English employee populations regarding workplace safety and health rights, responsibilities, and hazards.</p>

Performance Indicator Type	Indicator	Results	Comments
<p>Activity Measures</p>	<p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> • Distribute over 15,000 publications and flyers in English and other languages detailing the requirements of Cal/OSHA regulations including worker's rights to employers, supervisors, foremen and workers. <p><u>Consultation Research and Education Goal:</u></p> <ul style="list-style-type: none"> • Develop and update ten (10) educational materials to assist employers, employees, advocacy groups and other organizations to better understand health and safety requirements, and in response to emerging health and safety issues. The emphasis will be on high hazard industries and establishments that are experiencing high rates of fatalities and injuries to Hispanic/Latino workers. 	<ul style="list-style-type: none"> • Over 15,000 publications and flyers were distributed while at outreach activities during FFY 2012, including Spanish, Hmong and Punjabi languages. • 12 publications have been developed or updated. 	<ul style="list-style-type: none"> • This goal was met. • This goal was met. New or updated publications include, but are not limited to: Hazard Alert – Ammonia Safety in Wineries; Guide for Working Safely with Supported Scaffolds; Confined Space: Is it Safe to Enter?; Confined Space Hazard Alert; Workplace Injury & Illness Prevention Model Program for Non-High Hazard Employers, etc.

Goal 2.2 Educational Outreach to Vulnerable Employee Populations cont.

<p>Educational Outreach Activity Measures Cont.</p>	<ul style="list-style-type: none"> Distribute over 5,000 hard copy and several thousand electronic Spanish publications copies. 	<ul style="list-style-type: none"> Over 5,000 hard copy publications in other languages have been distributed during the course of inspections. Cal/OSHA online publications have received over 250,000 web hits during FFY 2012. 	<ul style="list-style-type: none"> Distribution to high hazard industries and establishments with high numbers of ESL workers was emphasized. This goal was accomplished.
<p>Intermediate Outcome Measures</p>	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
<p>Primary Outcome Measures</p>	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

Goal 2.3

Partnership Programs

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: To identify new partnerships and renew existing partnerships into the California Voluntary Protection Program (Cal/VPP) and/or Cal/VPP for Construction.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA VPP Goals:</u></p> <ul style="list-style-type: none"> • 2 new establishments will be added into the Divisions leadership level for fixed site establishments (Cal/VPP) and 18 will be renewed for a total of 20. • 2 new establishments will be added into the Golden State Program (Cal/VPP for Construction) and an additional 5 will be renewed for a total of 7. • Cal/OSHA will also hold one workshop to promote Cal/VPP. 	<ul style="list-style-type: none"> • During FFY 2012, 1 new VPP site was added and 20 were renewed for a total of 21 total sites. • 2 new Cal/VPP construction sites were added and 4 were renewed for a total of 6. • 2 workshops were held to promote Cal/VPP. 	<ul style="list-style-type: none"> • The goal to add 2 new VPP sites was not met. However, the goal to renew 20 sites was accomplished. • The goal to add 2 new establishments into Cal/VPP for Construction was met. However, the goal to renew 5 was short 1 renewal. • This goal was met.
Intermediate Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a
Primary Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a

Goal 3.1

Citation Lapse Time

Strategic Goal: Secure public confidence and maximize Cal/OSHA's capabilities by improving the effectiveness and efficiency of CAL/OSHA's programs and services.

Performance Goal: Reduce the time from opening conference to issuance of a citation on a Statewide basis.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Continue to monitor SAMMs and other management reports to drive down the average number of days for safety and health citation issuance (as of June 2011 – 74.1 days/Safety, 87.4 days/Health). 	<ul style="list-style-type: none"> Citation lapse time for FY 2012 as reported by the IMIS State Activity Mandated Measures (SAMMs) report dated November 11, 2012 was an average of 85.76 days for safety and 97.41 for health. 	<ul style="list-style-type: none"> Cal/OSHA has been monitoring citation lapse time and attributes the increase in citation lapse time to the passage of AB 2774 which amended Labor Code section 6432, which defines a “serious” violation and requires DOSH to solicit and consider the information from the investigated employer prior to issuing a serious citation.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

Goal 3.2

Fatality Investigation Response Time

<p>Strategic Goal: Secure public confidence and maximize Cal/OSHA's capabilities by improving the effectiveness and efficiency of CAL/OSHA's programs and services.</p>
<p>Performance Goal: Reduce statewide fatality investigation response time (fatality investigation response time is measured from the time the district office receives notification of the fatality to the date of attempted entry.)</p>

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Reduce response time to work related fatality reports from the levels achieved in FFY 2010, by increasing the number of fatality reports responded to within one day by 5% (approx. 80% of fatality reports were responded to within 24 hours). 	<ul style="list-style-type: none"> 90% of work related fatalities were responded to within one day in FFY 2012. 	<ul style="list-style-type: none"> This goal was accomplished. Cal/OSHA staff has demonstrated their dedication to the program in part by responding to fatalities after hours during the week. Their dedication can be further measured by the 12 occasions in which staff responded to fatalities on weekends during FFY 2012.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a