

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**VASVISION BERRY FARMS, LLC
16415 BONNEY ROAD
WATSONVILLE, CA 95076**

Employer

Inspection No.

1363401

DECISION

Statement of the Case

Vasvision Berry Farms, LLC (Employer) is a producer of bush berries. On November 30, 2018, the Division of Occupational Safety and Health (the Division), through Assistant Safety Engineer Angelica Huezo, commenced an accident investigation at a job site located at 17080 Tarpey Road in Royal Oaks, California (job site), after report of an injury at the site on November 27, 2018. On May 20, 2019, the Division issued two citations to Employer, one of which was appealed and remains at issue: failure to ensure that an employee was clear of agricultural equipment when the equipment was being operated.

Employer filed a timely appeal of Citation 2. At the time of hearing in this matter, the only issue in dispute was the classification of the violation. Employer asserted that the citation should not have been classified as Serious because Employer took all steps a reasonable and responsible employer in like circumstances should have been expected to take to anticipate and prevent the violation.

This matter was heard by Kerry Lewis, Administrative Law Judge (ALJ) for the California Occupational Safety and Health Appeals Board. On December 8, 2020, ALJ Lewis conducted the hearing from Elk Grove, California, with the parties and witnesses appearing remotely via the Zoom video platform. Sharilyn Payne, attorney at Fenton & Keller, represented Employer. Charles Jackson, Senior Safety Engineer, represented the Division. The matter was submitted on January 15, 2021.

Issues

1. Did the Division establish a rebuttable presumption that Citation 2 was properly classified as Serious?

2. Did Employer rebut the presumption that the violation cited was Serious by demonstrating that it did not know and could not, with the exercise of reasonable diligence, have known of the existence of the violation?
3. Is the proposed penalty for Citation 2 reasonable?

Findings of Fact¹

1. Employer's employee, Carlos Perez Montejano (Carlos Perez), was injured while operating a Stihl brush cutter (brush cutter) to prune blackberry plants in rows in hoop houses on November 27, 2018.
2. There is a realistic possibility that an employee who is too close to a brush cutter with a spinning blade will suffer a laceration or amputation as a result of coming into contact with the blade.
3. Carlos Perez was hospitalized for more than 24 hours with a deep leg laceration after being struck by a brush cutter operated by his brother, Jorge Perez.
4. Prior to November 27, 2018, Employer provided training in Spanish regarding using the brush cutter.
5. Employer provided numerous training sessions and the employees reviewed the operation manual for the brush cutter prior to using the brush cutter for pruning work. All of the trainings and the manual instruct the employees to remain at least 50 feet away from someone operating the brush cutter.
6. Carlos Perez was the supervisor responsible for overseeing the pruning work that he and Jorge Perez were performing at the time of the accident.
7. Carlos Perez had no actual knowledge that Jorge Perez had approached him from behind just prior to being struck by the brush cutter.
8. Employer has established a written Injury and Illness Prevention Program and an Employee Handbook, in both English and Spanish, setting forth safety provisions.
9. Employer's employees sign acknowledgements that they have received written safety materials and attended trainings, and the third-party safety training

¹ Findings of Fact Nos. 3, 4, and 8 are stipulations of the parties.

consultant provides Employer with a list of all topics that were discussed with the employees.

10. After the accident on November 27, 2018, Employer immediately arranged for training focused on safe practices for the brush cutter. The training was conducted the day after the accident.
11. The adjustment factors included on the Division's Proposed Penalty Worksheet were calculated in accordance with the Division's policies and procedures.

Analysis

1. Did the Division establish a rebuttable presumption that Citation 2 was properly classified as Serious?

California Code of Regulations, title 8, section 3441, subdivision (a)(2)(D),² regulates the operation of agricultural equipment and provides:

(a) Operating Instructions and Safe Work Practices.

(2) Agricultural equipment shall be operated in accordance with the following safe work practices and operating rules:

(D) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine[.]

In Citation 2, the Division alleges:

Prior to and during the course of the investigation, including but not limited to, on November 27, 2018, the employer failed to ensure employee was clear of Stihl brush cutter when starting the machine, and operating the machine while pruning the blackberry field. As a result, the employee received a serious injury when struck by the cutting attachment.

A violation of section 3441, subdivision (a)(2)(D), is established when an employee is not clear of agricultural equipment when it is being operated. Two brothers, Carlos and Jorge Perez, were assigned the task of pruning the blackberry plants in rows using Stihl brush cutters. The brothers were working at a distance from each other and communicating verbally throughout the task. At the time of the accident, unbeknownst to Carlos Perez, Jorge Perez approached him

² Unless otherwise specified, all references are to sections of California Code of Regulations, title 8.

from behind. When Carlos Perez turned around, his brother's brush cutter struck him in the leg, causing a deep laceration that required hospitalization. Employer did not contest the existence of the violation. Therefore, the violation of section 3441, subdivision (a)(2)(D), is established by operation of law.

Employer disputed only the Serious classification of the citation. The burden is on the Division to establish that the citation was properly classified.

Labor Code section 6432, subdivision (a), provides, in relevant part:

- (a) There shall be a rebuttable presumption that a "serious violation" exists in a place of employment if the division demonstrates that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. The actual hazard may consist of, among other things:
 - [...]
- (2) The existence in the place of employment of one or more unsafe or unhealthful practices that have been adopted or are in use.

The Appeals Board has defined the term "realistic possibility" to mean a prediction that is within the bounds of human reason, not pure speculation. (*A. Teichert & Son, Inc. dba Teichert Aggregates*, Cal/OSHA App. 11-1895, Decision After Reconsideration (Aug. 21, 2015), citing *Janco Corporation*, Cal/OSHA App. 99-565, Decision After Reconsideration (Sep. 27, 2001).) "Serious physical harm" is defined as an injury or illness occurring in the place of employment that results in, among other possible factors, "inpatient hospitalization for purposes other than medical observation" or "the loss of any member of the body." (Lab. Code §6432, subd. (e).)

The parties stipulated that Senior Safety Engineer Charles Jackson (Jackson) was current in his Division-mandated training. Therefore, under Labor Code section 6432, subdivision (g), Jackson is deemed competent to offer testimony to establish each element of the Serious violation, and to offer evidence on the custom and practice of injury and illness prevention in the workplace that is relevant to the issue of whether the violation was properly classified as Serious.

Jackson testified that there is a realistic possibility that an employee may sustain serious physical harm such as amputation or laceration if struck by a moving circular blade such as the blade on the brush cutter involved in the accident. The parties stipulated that the injured employee, Carlos Perez, suffered a serious injury requiring more than 24 hours of hospitalization after he was struck by the blade of the brush cutter. This demonstrates that there was not only a

realistic possibility of serious physical harm, but the violation resulted in actual serious physical harm.

Accordingly, the Division met its burden to establish a rebuttable presumption that the violation cited in Citation 2 was properly classified as Serious.

2. Did Employer rebut the presumption that the violation cited was Serious by demonstrating that it did not know and could not, with the exercise of reasonable diligence, have known of the existence of the violation?

Labor Code section 6432, subdivision (c), provides that an employer may rebut the presumption that a Serious violation exists by demonstrating that the employer did not know and could not, with the exercise of reasonable diligence, have known of the presence of the violation. In order to satisfactorily rebut the presumption, the employer must demonstrate both:

- (1) The employer took all the steps a reasonable and responsible employer in like circumstances should be expected to take, before the violation occurred, to anticipate and prevent the violation, taking into consideration the severity of the harm that could be expected to occur and the likelihood of that harm occurring in connection with the work activity during which the violation occurred. Factors relevant to this determination include, but are not limited to, those listed in subdivision (b) [; and]
- (2) The employer took effective action to eliminate employee exposure to the hazard created by the violation as soon as the violation was discovered.

Labor Code section 6432, subdivision (b), provides that the following factors may be taken into account:

- (A) Training for employees and supervisors relevant to preventing employee exposure to the hazard or to similar hazards; (B) Procedures for discovering, controlling access to, and correcting the hazard or similar hazards; (C) Supervision of employees exposed or potentially exposed to the hazard; and (D) Procedures for communicating to employees about the employer's health and safety rules and programs.

As set forth in Labor Code section 6432, subdivision (b), the burden is on the employer to rebut the presumption that the citation was properly classified as Serious. Employer presented evidence on each of the factors to support its assertion that it had no actual knowledge of the

violation, nor could it, with the exercise of reasonable diligence, have known of the presence of the violation.

When a supervisor is involved in the violation of a safety order, the Appeals Board regularly finds that the supervisor's knowledge of the violation is imputed to the employer. (*Sacramento County Water Agency Department of Water Resources*, Cal/OSHA App. 1237932, Decision After Reconsideration (May 21, 2020).) The violation in this matter involved a supervisor, Carlos Perez. However, the violation was the result of Jorge Perez moving into close proximity with Carlos Perez. Jorge Perez was not a supervisor. As such, his knowledge of what he was doing is not imputed to Employer. Carlos Perez had no knowledge and had no reason to believe that Jorge Perez would suddenly approach him from behind in the manner that he did. As such, it is found that no supervisor had knowledge of the existence of the violation at the time of the accident, and therefore, knowledge of the violation cannot be imputed to Employer.

a. Taking steps to anticipate and prevent the violation

(1) Training for employees and supervisors relevant to preventing employee exposure to the hazard or to similar hazards

The hazard at issue is the potential that employees may be injured by coming into contact with dangerous agricultural equipment while it is being operated. Employer's witnesses testified that Employer conducted a safety training on August 9, 2018. At that training, "How to prevent accidents" was the designated topic and one of the points of discussion was "pruning work and equipment safety." Jose Luis Sanchez (Sanchez), the foreman who conducted the training, testified that the training included instruction on the brush cutter using the Spanish-language instruction manual for the brush cutter. Sanchez and Carlos Perez testified that the training instructed employees to stay at least 50 feet apart when using the brush cutter. This instruction is also included in the brush cutter instruction manual: "[E]nsure that bystanders are at least 50 feet (15 m) away." Carlos and Jorge Perez were both present at the August 2018 brush cutter training.

Additionally, Employer has an Employee Handbook, written in both Spanish and English. The Employee Handbook contains several safety admonitions for employees to stay away from moving equipment and to use caution when walking in the area of moving equipment.

Employer has a safety consultant, McSherry & Hudson, that provides regular safety training to Employer's supervisors and employees. Omar Espinoza (Espinoza), the individual

that provided the trainings for Employer, testified that part of the training he provided involved instructing the employees to remain 30 to 60 feet apart when operating a brush cutter.³

The preponderance of the evidence supports a finding that Employer provided sufficient training on using the brush cutter, and that training addressed the hazard of coming into contact with the equipment while in operation. The employees and trainers testified consistently that Employer's training mandated that employees stay a sufficient distance from the brush cutter to avoid injury. This training was relevant to preventing employee exposure to the hazard created when using the brush cutter.

(2) Procedures for discovering, controlling access to, and correcting the hazard

The hazard of coming into contact with a piece of agricultural equipment while it is in operation was discovered and addressed by Employer's training and safety policies. The hazard is mitigated when employees follow the instruction that they need to remain clear of equipment while in operation.

This was a hazard that Employer had discovered and addressed through multiple trainings in order to ensure that its employees were safe, thereby controlling access to and correcting the hazard. As discussed below, Employer took further steps to correct the hazard by conducting a training promptly after the accident occurred.

(3) Supervision of employees exposed to the hazard

Carlos Perez testified that he was a supervisor that had responsibility for overseeing the pruning work that he and his brother were performing at the time of the accident. Carlos Perez testified that he and Jorge Perez were maintaining sufficient distance from one another as they moved in the furrows. Carlos Perez testified that, because he was aware of the risk of being too close to someone using agricultural equipment, he would have immediately yelled to Jorge Perez to stop and back away if he approached too closely.

Although, in some circumstances, failure to exercise adequate supervision will defeat an employer's argument that it exercised reasonable diligence (*RNR Construction, Inc.*, Cal/OSHA App. 1092600, Denial of Petition for Reconsideration (May 26, 2017)), it is unreasonable to expect a supervisor to stand watch over each and every employee at all times.

³ Although Espinoza's use of the range of 30 to 60 feet differs from the 50 feet referenced in the manual and Employer's training, there was no evidence that the instruction created any greater risk or that the employees were unclear about keeping a sufficient distance from one another when using the brush cutter.

The Board notes that [the employee's] actions of throwing the rope and making the cut occurred quickly, and that even the most diligent supervisor cannot watch his or her employees at every minute of the workday.

(Synergy Tree Trimming, Inc., Cal/OSHA App. 317253953, Decision After Reconsideration (May 15, 2017).)

Employer exercised adequate supervision over the two employees involved in the accident. The supervisor at the time was Carlos Perez and he was not negligent in his duties simply because he did not see his brother approach him from behind in violation of Employer's rules and the proper safe practices in which the two employees had been engaged prior to the accident.

(4) Procedures for communicating to employees about the employer's health and safety rules and programs

At hearing, Employer presented extensive testimony and documentation about Employer's safety program. Employer presented training records from McSherry & Hudson, Employer's safety training vendor, that included a list of all the topics reviewed in training sessions and sign-in sheets indicating which employees attended the sessions. Additionally, Employer submitted into evidence sign-in sheets for its own training sessions. The sign-in sheets reflect that Jorge Perez attended the trainings.

Employer's witnesses testified that all training sessions are conducted in Spanish, which ensures that the safety rules are effectively communicated to the predominantly Spanish-speaking workforce. Employer has an Injury and Illness Prevention Program and Employee Handbook, both of which are written in Spanish, which are provided to the employees during safety meetings.

Employer's extensive safety program includes procedures for communicating the information to its workforce. The rules and procedures are communicated to the employees verbally and in writing, in both English and Spanish, and the employees acknowledge receipt of the information.

As set forth above, referencing the factors set forth in Labor Code section 6423, subdivision (b), Employer took all steps a reasonable and responsible employer in like circumstances should be expected to take, before the violation occurred, to anticipate and prevent the violation.

b. Taking effective action to eliminate employee exposure to the hazard created by the violation as soon as the violation was discovered

The second element necessary to rebut the presumption is found in Labor Code section 6432, subdivision (c)(2), and requires proof that “Employer took effective action to eliminate employee exposure to the hazard created by the violation as soon as the violation was discovered.” The hazard at issue was not an ever-present risk, as it was primarily a concern only when someone was operating the brush cutter or other type of agricultural equipment.

The violation that created the hazard was that an employee walked up behind another employee while operating a brush cutter. Immediately after the accident, Employer contacted Espinoza at McSherry & Hudson to arrange for a training session dedicated to safety and operation of the brush cutter involved in the accident. That training was completed on November 28, 2018, the day after the accident. The operation manual was reviewed, with emphasis on maintaining the proper distance from someone using the brush cutter.

Employer took immediate action to eliminate employee exposure to the hazard by promptly arranging for and completing training with an emphasis on employees maintaining a significant distance from one another when using the brush cutter.

Employer met its burden to establish that it did not know and could not, with the exercise of reasonable diligence, have known of the presence of the violation. As such, Employer has rebutted the presumption that the citation was properly classified as Serious.

Accordingly, Citation 2 is reclassified as a General violation.

3. Is the proposed penalty for Citation 2 reasonable?

Penalties calculated in accordance with the penalty setting regulations set forth in sections 333 through 336 are presumptively reasonable and will not be reduced absent evidence that the amount of the proposed civil penalty was miscalculated, the regulations were improperly applied, or that the totality of the circumstances warrant a reduction. (*RNR Construction, Inc.*, *supra*, Cal/OSHA App. 1092600, citing *Stockton Tri Industries, Inc.*, Cal/OSHA App. 02-4946, Decision After Reconsideration (Mar. 27, 2006).)

The parties stipulated that the penalty was calculated in accordance with the Division’s policies and procedures. As such, the factors analyzed by the Division to determine Extent and Likelihood, along with the adjustment factors of Good Faith, History, and Size, will not be re-evaluated. The Severity of the violation was originally rated as High because it was classified as Serious, and no other adjustments to the Base Penalty were permitted because it was Accident-

Related. (See §336, subd. (c)(2) and (d)(7).) However, because the citation is reclassified from Serious to General, the Base Penalty from which all other adjustments are made must be reduced in accordance with section 336.

Section 336, subdivision (b), provides that a Base Penalty will be set initially based on the Severity of the violation. Section 335, subdivision (a), provides in part:

(a) The Gravity of the Violation--the Division establishes the degree of gravity of General and Serious violations from its findings and evidence obtained during the inspection/investigation, from its files and records, and other records of governmental agencies pertaining to occupational injury, illness or disease. The degree of gravity of General and Serious violations is determined by assessing and evaluating the following criteria:

(1) Severity.

(A) General Violation.

[...]

ii. When the safety order violated does not pertain to employee illness or disease, Severity shall be based upon the type and amount of medical treatment likely to be required or which would be appropriate for the type of injury that would most likely result from the violation. Depending on such treatment, Severity shall be rated as follows:

LOW-- Requiring first-aid only.

MEDIUM-- Requiring medical attention but not more than 24-hour hospitalization.

HIGH-- Requiring more than 24-hour hospitalization.

To determine the proper Severity, it is necessary to evaluate the type and amount of medical treatment required for an injury most likely to be sustained as a result of an employee not being clear of the area where someone is operating a piece of agricultural equipment, such as a brush cutter. Given the brush cutter's sharp, fast-moving, blade that prunes the vegetation, it is very likely that an employee coming into contact with the equipment will require hospitalization,

as was the case in the instant matter. As such, the Severity is properly characterized as High. A General violation with a High Severity has a Base Penalty of \$2,000. (§336, subd. (b).)

The Division's Proposed Penalty Worksheet indicates that the Division assigned a Medium Extent and Likelihood, resulting in no further reduction or increase to the Base Penalty, for a Gravity-Based Penalty of \$2,000. (§336, subd. (b).)

Section 336 provides for further adjustment to the Gravity-Based Penalty for Good Faith, Size, and History. The Division's Proposed Penalty Worksheet indicates that, for the unappealed citation that was not Accident-Related, Employer was entitled to a 15 percent adjustment for Good Faith, no adjustment for Size, and a five percent reduction for History. Because the parties stipulated that these adjustment factors were calculated in accordance with Division policies and procedures, the adjustment factors are applicable to Citation 2 with its General classification. As such, the application of adjustment factors for Good Faith and History in the total amount of 20 percent of the Gravity-Based Penalty results in an Adjusted Penalty of \$1,600. (See §336, subd. (d).)

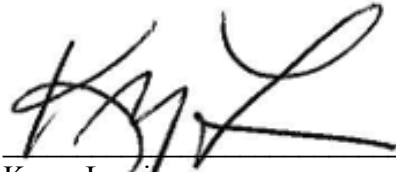
Section 336, subdivision (e), provides that the Adjusted Penalty is subject to an abatement credit of an additional 50 percent. Citation 2 indicates that the violation was "corrected during inspection." The abatement credit was not previously applied because it is not available for Serious Accident-Related violations. (§336, subd. (e)(3)(D).) However, due to the reclassification to a General violation, Employer is entitled to an abatement credit of 50 percent of the Adjusted Penalty, for a final penalty of \$800, which is found to be reasonable.

Conclusion

In Citation 2, Employer did not contest that it had violated section 3441, subdivision (a)(2)(D), by failing to ensure that all employees were clear of the agricultural equipment when it was being operated. However, Employer established that the citation was misclassified due to lack of Employer knowledge. The citation is reclassified as General and the penalty is modified accordingly.

Order

It is hereby ordered that Citation 2, Item 1, is affirmed with an amended classification of General, and the penalty is modified to \$800, as set forth in the attached Summary Table incorporated herein.



Kerry Lewis
Administrative Law Judge

Dated: 02/03/2021

The attached decision was issued on the date indicated therein. If you are dissatisfied with the decision, you have thirty days from the date of service of the decision in which to petition for reconsideration. Your petition for reconsideration must fully comply with the requirements of Labor Code sections 6616, 6617, 6618 and 6619, and with California Code of Regulations, title 8, section 390.1. **For further information, call: (916) 274-5751.**

**APPENDIX A
SUMMARY OF EVIDENTIARY RECORD**

Inspection No.: **1363401**

Employer: **VASVISION BERRY FARMS, LLC**

Date of hearing: December 8, 2020

JOINT EXHIBITS

Exhibit Number	Exhibit Description	Status
J-1	Notice of Video Hearing	Admitted Into Evidence
J-1	Citation and Notification of Penalty, and Proof of Service	Admitted Into Evidence
J-1	Notice of Civil Penalty (C-10) Proposed Penalty Worksheet	Admitted Into Evidence
J-1	Notice of Docketed Appeal/Appeal Form	Admitted Into Evidence

DIVISION'S EXHIBITS

Exhibit Number	Exhibit Description	Status
2	Division Document Request Sheet	Admitted Into Evidence
3	Notice of Intent of Classify Citation as Serious	Admitted Into Evidence
4	Division email to employer	Admitted Into Evidence
5	McSherry & Hudson letter dated 11/29/18	Admitted Into Evidence
6-1	Division photo of pruned rows	Admitted Into Evidence
6-2	Division photo of pruned rows with "hoops" overhead	Admitted Into Evidence
6-3	Division photo of brush cutters	Admitted Into Evidence
6-4	Division photo of Salvador Vasquez demonstrating use of brush cutter	Admitted Into Evidence
7	Citation and Notification of Penalty (Citation 1, Item 1)	Admitted Into Evidence
8	Record of Jackson's Division-mandated training	Admitted Into Evidence

EMPLOYER'S EXHIBITS

Exhibit Letter	Exhibit Description	Status
A	Vasvision Berry Farms 8/9/18 training re Pruning Work and Equipment Safety	Admitted Into Evidence
B	Vasvision Berry Farms 6/22/18 Sign-in Sheet re Distribution of Employee Handbook	Admitted Into Evidence
C	Safety Section of Vasvision Berry Farms Employee Handbook	Admitted Into Evidence
D	Carlos Perez Acknowledgment of Receipt of Employee Handbook	Admitted Into Evidence
E	Vasvision Berry Farms Injury and Illness Prevention Program	Admitted Into Evidence
F	Vasvision Berry Farms Emergency Response Plan	Admitted Into Evidence
H	Excerpts of Stihl Weedeater Instruction Manual	Admitted Into Evidence
I	McSherry & Hudson 3/7/18 training in Written Emergency Plans	Admitted Into Evidence
J	McSherry & Hudson 5/31/18 training record re Emergency Response Plan	Admitted Into Evidence
K	McSherry & Hudson 10/3/18 training record re Written Emergency Plans	Admitted Into Evidence
L	McSherry & Hudson record re 5/31/18 First Aid Training	Admitted Into Evidence
M	McSherry & Hudson records re 11/28/18 training re Stihl Weedeater	Admitted Into Evidence
O	Omar Espinoza Certificate of Training	Admitted Into Evidence

Witnesses testifying at hearing:

Angelica Huezo

Charles Jackson

Carlos Perez Montejano

Pilar Angel Torrecillas Jr

Jose Luis Sanchez Martinez

Omar Espinoza

Vanessa Vaca

Assistant Safety Engineer

Senior Safety Engineer

Employer Supervisor

Employer Ranch Manager

Employer Foreman

McSherry & Hudson Safety & Loss Control


Employer Office Assistant

**APPENDIX A
CERTIFICATION OF HEARING RECORD**

Inspection No.: **1363401**

Employer: **VASVISION BERRY FARMS, LLC**

I, Kerry Lewis, the California Occupational Safety and Health Appeals Board Administrative Law Judge duly assigned to hear the above-entitled matter, hereby certify the proceedings therein were electronically recorded or recorded by a certified court reporter. If the proceedings were recorded electronically, the recording was periodically monitored during the hearing. Either the electronic recording or the recording made by a certified court reporter constitutes the official record of the proceedings, along with the documentary and other evidence presented and received into evidence during or after the hearing. To the best of my knowledge the recording equipment, if utilized, was functioning normally and exhibits listed in this Appendix are true and correct, and accurately represent the evidence received during or after the hearing.



Kerry Lewis

02/03/2021

Date

SUMMARY TABLE

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

In the Matter of the Appeal of: VASVISION BERRY FARMS, LLC	Inspection No. 1363401
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Citation Issuance Date: **05/20/2019**

CITATION	ITEM	SECTION	TYPE	CITATION/ITEM RESOLUTION	AFFIRMED	VOIDED	PENALTY PROPOSED BY DOSH IN CITATION	FINAL PENALTY ASSESSED
2	1	3441 (a) (2)(D)	S	ALJ reclassified as G . Penalty reduced.	A		\$18,000.00	\$800.00
Sub-Total							\$18,000.00	\$800.00

Total Amount Due* **\$800.00**

**You may owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4291 if you have any questions.*

PENALTY PAYMENT INFORMATION

1. Please make your cashier's check, money order, or company check payable to:
Department of Industrial Relations

2. Write the **Inspection No.** on your payment

3. If sending via US Mail:
 CAL-OSHA Penalties
 PO Box 516547
 Los Angeles, CA 90051-0595

If sending via Overnight Delivery:
 US Bank Wholesale Lockbox
 c/o 516547 CAL-OSHA Penalties
 16420 Valley View Ave.
 La Mirada, CA 90638-5821

Online Payments can also be made by logging on to http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html

-DO NOT send payments to the California Occupational Safety and Health Appeals Board-

Abbreviation Key:

G=General	R=Regulatory	Er=Employer
S=Serious	W=Willful	Ee=Employee
RG=Repeat General	RR=Repeat Regulatory	RS=Repeat Serious
		A/R=Accident Related