

# User's Guide to Cal/OSHA

California  
Occupational Safety & Health  
Program

# Safety & Health

This publication explains the requirements of California law for workplace safety and health, and the functions of the California Occupational Safety and Health (Cal/OSHA) Program. It is not intended to provide interpretation of law. Anyone who has questions about laws relating to Cal/OSHA should refer directly to the pertinent regulation or sections of the law.

Workplace safety and health information  
is available 24 hours a day on the Internet:  
**<http://www.dir.ca.gov/dosh>**

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The Department of Industrial Relations (DIR) has administered the Cal/OSHA program since 1973 when California's plan was approved by federal OSHA. Major units are:

- Division of Occupational Safety and Health (DOSH)—enforces worker safety and health standards, offers free training and consultation to employers and their employees for complying with the workplace safety and health regulations.
- Occupational Safety and Health Standards Board—adopts, amends and repeals standards.
- Occupational Safety and Health Appeals Board—hears appeals regarding Cal/OSHA enforcement actions.

Mutual support is also provided by the:

- Division of Labor Standards Enforcement, within DIR—protects employees who report hazardous working conditions from being discriminated against in the workplace.
- Division of Labor Statistics and Research, within DIR — publishes reports on occupational injuries and illnesses.
- Hazard Evaluation System and Information Service (HESIS)—administered by DIR and the Department of Health Services—evaluates and provides information about toxic substances.

Cal/OSHA covers virtually all workers in the state, including those employed by state and local government. Cal/OSHA does not cover federal employees or offshore maritime workers.

Some DOSH responsibilities described in this guide are mandated by state law only, and do not receive federal funding. They include:

- Certifying employers, consultants and trainers involved in asbestos-related work.
- Issuing permits for operation of elevators, amusement rides and aerial passenger tramways.
- Inspecting mines, tanks and boilers.

Legislation affecting the Cal/OSHA program includes unique requirements concerning cranes, construction permits, asbestos, lead, ergonomics and bloodborne pathogens. The 1976 Carcinogen Control Act has had far reaching impact. Legislation passed in 1989 mandates employers to establish and maintain injury and illness prevention programs. Legislation specific to California enhances the Cal/OSHA program and in many areas goes beyond the scope of federal directives and standards.

The 1993 workers' compensation legislative reforms mandate targeted inspections and consultations as a first line of defense against rising workers' compensation claims. Primary emphasis is on high-hazard industries and employers who show the highest incidence of workplace injuries and illnesses.

Signed into law October 1999, Assembly Bill 1127 made statutory changes increasing the effectiveness of Cal/OSHA's enforcement efforts and the safety and health protections afforded California workers.

California's workplace safety and health program is respected worldwide for its ability to meet the challenges of the ever changing work environment—a tradition dating back to 1911.

### —Internet access—

The DIR Web site offers a resource library of workplace safety and health information. Title 8 of the *California Code of Regulations* is available at <http://www.dir.ca.gov> online.

**On the DOSH Web site**—<http://www.dir.ca.gov/dosh>—select **Contact Us**.

**Accidents and complaints**—to report a workplace accident or file a complaint, click on [Cal/OSHA Enforcement Unit District Office](#) for the office closest to the workplace where the accident occurred or the complaint conditions exist.

**Publications**—to download or order a Cal/OSHA publication, click on Publications.

**Consultation assistance**—the Cal/OSHA Consultation Service has a video for online viewing. E-mail them at [InfoCons@dir.ca.gov](mailto:InfoCons@dir.ca.gov) for their free-for-the-asking assistance.

**eGovernment**—The DOSH Web site now provides access to information related to DOSH units, with links to pertinent Labor Code sections, policy and procedure references, Title 8 regulations, regulatory agencies, technical information and compliance data.

The Asbestos Contractor Registration page allows viewers to check the status of registered asbestos contractors. The Crane Certifier Accreditation unit has an online list of accredited crane certifiers and analysis of crane accidents. The Workers Page explains how to file Cal/OSHA complaints and whistleblower complaints, and describes worker rights and responsibilities. Employers can satisfy the requirement for lead pre-job notification by completing the notification form online.

Cal/OSHA believes that enforcement is only one tool for decreasing worker injuries, illnesses and fatalities. Federal OSHA and Cal/OSHA both use incentives promoting voluntary compliance, as well as employer/employee education and training to identify and abate worksite hazards.

California has a broad array of programs focusing on voluntary compliance with workplace safety and health regulations—including assistance by telephone, consultation visits to employers' work sites, a Voluntary Protection Program, training and education for employers and employees, safety and health conferences on topics such as workplace security, and published guidelines and model programs.

### —Consultation Service—

To encourage voluntary compliance with occupational safety and health regulations and to help lower workplace injury and illness rates, the Consultation Service offers assistance to both employers and employees. Consulting services include on-site visits and compliance assistance, injury and illness prevention program improvement, educational seminars and publications.

Request assistance from the Cal/OSHA Consultation Service by phoning their toll-free number:  
1-800-963-9424.

**On-site visits**—employers may phone to request on-site assistance, which is provided only through employer invitation. Employees and employee groups may phone to request consultation away from the job site.

The Consultation Service is separate and distinct from Cal/OSHA enforcement operations, and consultants do not participate in Cal/OSHA enforcement activities. All communications between the employer and the Consultation Service are held in confidence and not shared with Cal/OSHA enforcement staff.

On-site consultation visits do not result in citations or penalties. However, in return for receiving the free onsite assistance the employer must agree to timely correction of hazards identified that could lead to the serious injury or death of an employee.

Because work site conditions change over time, the Consultation Service cannot guarantee that Cal/OSHA enforcement will not inspect the

workplace or find violations. The goal of consultation assistance is to help employers in their efforts to become self-sufficient concerning workplace safety and health.

**Injury and Illness Prevention (IIP) program improvement**—statistics show that many occupational accidents and illnesses are preventable through an effective safety and health program. For a workplace program to be effective, the employer should develop a comprehensive plan with emphasis on both management commitment and employee participation. Development and conscientious implementation of a comprehensive program should result in lower injury, illness and fatality rates along with reduced workers' compensation costs.

Section 3203 of Title 8 in the California Code of Regulations requires all California employers to have a written, effective injury and illness prevention program that addresses hazards pertaining to the particular workplace covered by the program. The Cal/OSHA Consultation Service publishes guidelines and model programs to help employers carry out such a program. Consultation assistance is available for evaluating and improving the employer's program.

**Educational seminars**—the Consultation Service facilitates and participates in workplace safety and health seminars focused on high-hazard industries, processes and occupations.

**Publications**—Cal/OSHA publishes an extensive list of materials to help employers and employees set up and manage effective injury and illness prevention programs on the job. Guidelines and model injury and illness prevention programs are widely distributed. Publications may be obtained from any Consultation Service office, and are available from the Internet at <http://www.dir.ca.gov/dosh> online.

A list of Cal/OSHA publications is given at the back of this guide. A number of them are available in English and Spanish and some in as many as six languages, based on recommendations of a bilingual task force. Pamphlets on job safety are printed in English, Spanish, Tagalog, Chinese, Korean and Vietnamese.

**Voluntary Protection Program**—administered through the Cal/OSHA Consultation Service, the California Voluntary Protection Program (Cal/VPP) is a certification program recognizing employers whose

occupational safety and health programs are exemplary and meet Cal/VPP guidelines. Employers participating in this program have produced significant reductions in injury and illness rates as a result of employer commitment to and employee involvement in workplace safety and health. This program enables conscientious employers and employees to work together with the Consultation Service in managing safety and health on the job. In addition to the benefits of lower injury and illness rates, Cal/VPP participants receive nationwide recognition—and Cal/OSHA enforcement will not make routine scheduled inspections of a participating certified work site.

### —What is an Injury & Illness Prevention (IIP) Program?—

Basic to voluntary compliance is the state required Injury and Illness Prevention Program for employers and employees working together to carry out effective accident prevention on the job. The following elements must be established and maintained—as well as set forth in writing—in the employer’s IIP Program:

**Responsibility**—the employer’s written IIP Program must provide the name and/or job title of the person(s) with the authority and responsibility for its implementation. Employees must be able to give the name of the individual whose title is designated as responsible for the IIP.

**Compliance**—a system must be set forth in writing to ensure that employees comply with safe and healthful work practices.

**Communication**—a system for communicating with employees about safety and health matters—in a form easily understood such as meetings, training programs, posted or written notification—must be part of the employer’s written IIP Program. Employees must be encouraged to inform their employer of hazards at the work site without fear of reprisal.

**Hazard assessment**—procedures for identifying and evaluating workplace hazards—such as periodic inspections performed by a competent observer—must be provided in the IIP.

**Accident/exposure investigation**—a procedure to investigate workplace injuries or illnesses must be provided in the IIP.

**Hazard correction**—methods and procedures for correcting in a timely manner any unsafe or unhealthful work conditions or work practices must be provided in the IIP, and specific abatement methods must be included.

**Training and instruction**—an effective program of instructing employees on general safe work practices and hazards specific to each job assignment must be provided in the IIP, and the required training must be given.

**Keeping records**—there must be adequate written documentation of the steps taken to establish and maintain the employer’s IIP Program.

**Labor-management safety and health committee**—if the employer uses a labor-management safety and health committee to comply with communication requirements of the IIP Program standard, the committee must meet Title 8 requirements.

**Small employer exemption**—requirements for written documentation of the IIP Program are less stringent for:

- Employers with fewer than 20 employees who are not in high-hazard industries and who have a workers’ compensation experience modification rate of 1.1 or less.
- Employers with fewer than 20 employees who are in designated low-hazard industries.

There are also special exemptions for employers with seasonal or intermittent employees, and for local government.

The model programs published for non-high hazard and seasonal industries—and in Spanish for agriculture employers—help employers and their employees develop effective IIP programs.

All employers in California covered by the Cal/OSHA Act—except those with no more than ten employees at any one time during the year, or those in some low-hazard industries—are required to keep Cal/OSHA records.

These records provide a basis for identifying hazardous areas or operations where corrective action is needed, inform employees of the employer's workplace safety and health status, and provide data for a nationwide survey of occupational injuries and illnesses. The records are also reviewed during every Cal/OSHA consultation visit and workplace inspection.

### —Injury & illness records—

The Cal/OSHA record keeping system has four steps:

- Prepare a supplementary record of each recordable workplace fatality, injury and illness.
- Enter each recordable injury or illness on the log and summary of occupational injury and illness.
- Enter totals on the summary form, post it no later than February 1, keep it posted where employees can see it through April 30th, and provide copies as required.
- Maintain these records in employer files for five years.

### —Reporting fatalities & serious injuries—

Employers must report work-related or suspected work-related fatalities, catastrophes, and serious injuries or illnesses within eight hours—by phone or fax—to the nearest district office of the Cal/OSHA Enforcement Unit in the Division of Occupational Safety and Health.

A serious injury or illness is one that requires employee hospitalization for more than 24 hours for other than medical observation, or in which a part of the body is lost or permanent disfigurement occurs.

Work-related serious injury or illness does not include an accident on a public street or highway, or any injury, illness or death caused by committing a Penal Code violation—except for the violation of Penal Code Section 385 on operating heavy equipment adjacent to high voltage wires.

The DOSH Mining and Tunneling Unit must be notified immediately of mine fires, hoisting mishaps, sudden inflows of dangerous gases or water, and ground instability—whether or not people are injured. Tunnel fires that may cause serious injury must be reported to DOSH within 24 hours.

### —Exposure records—

Cal/OSHA standards concerning toxic substances and hazardous exposures require records of employee exposure to these substances and sources, physical examinations, reports, employment records and other information.

### —Documenting activities—

Cal/OSHA standards require keeping records of the steps taken to establish and maintain the injury and illness prevention program, including records of the scheduled and periodic inspections to identify hazardous conditions and work practices, and documentation of the safety and health training given to employees. These records must be kept for at least one year.

### —Employee access to medical & exposure records—

To improve detection, treatment and prevention of occupational disease and to support a worker's right to know, General Industry Safety Order 3204 states that workers and their designated representatives may see and copy:

- Their own medical records.
- Records of exposure to toxic substances and harmful physical agents measured either by workplace monitoring or by biological monitoring to gauge absorption of a substance or agent by body systems.
- Records of exposure to toxic substances and harmful physical agents for employees with similar jobs or working conditions.
- Material safety data sheets or equivalent information that the employer has for chemicals or substances used in the workplace.

Cal/OSHA is authorized to conduct workplace inspections to enforce occupational safety and health standards. Every workplace covered by Cal/OSHA may be subject to inspection by compliance safety and health staff.

Inspections are conducted by Cal/OSHA safety engineers and industrial hygienists from district offices throughout California. Mining and tunneling enforcement is handled by a separate unit, and a high hazard unit makes targeted inspections in high-hazard industries.

Complaint, referral and accident inspections, as well as the scheduled compliance inspections, are conducted by the district offices.

### **General scheduled inspections:**

**Programmed planned**—an inspection of employers randomly selected in specific industries, or as part of a national or local workplace safety and health emphasis program.

**Programmed related**—an inspection of an employer at a multi-employer work site that was not included in the programmed planned assignment that initiated the work site visit.

### **Unprogrammed inspections:**

**Accident**—an inspection resulting from the requirement that an employer must report a fatality, catastrophe, or serious injury or exposure within eight hours of when the employer knows of the event.

**Complaint**—an inspection resulting from a complaint of a hazard or violation believed to exist in a workplace.

- Formal complaint—a complaint filed by an employee, employee representative, employer of an employee at a multi-employer work site, or a government agency. Employee representative includes attorneys, union or health/safety professionals who have a representational relationship with an employee at the place of employment where the hazardous condition exists.

Formal complaints are investigated by conducting an on-site investigation within three working days for serious complaints and within

14 calendar days for nonserious complaints, unless the complaint is without reasonable basis or is intended to harass the employer. Serious complaints from state or local prosecutors are investigated within 24 hours, and imminent hazard complaints are investigated immediately.

- Informal complaint—a complaint filed by anyone who is not an employee or employer, or an employee filing an anonymous complaint.

Serious informal complaints are investigated by phone/fax and nonserious by letter to the employer. Some responses are scheduled for inspection to verify their accuracy.

**Referral**—a report of hazards or alleged violations originating from the following:

- Safety or health compliance officer.
- Media reports.

**Follow-up**—an inspection conducted to determine whether the employer has abated violations previously cited on a Cal/OSHA inspection. A follow-up inspection is made when any of the following have been issued:

- Order prohibiting use.
- Court restraining order.
- Citation for violations characterized as willful or repeated, or serious violations with abatement periods of less than six days.
- Citation for violations of the injury and illness program requirements.
- Special order, or order to take special action. A follow-up inspection is also made when no evidence of abatement of a serious violation is received from the employer, and for 20 percent of cases where a serious violation was found during the initial inspection.

**Unprogrammed related**—an inspection of an employer at a multi-employer work site that was not identified as a participant of the original unprogrammed inspection assignment— accident, complaint, referral, follow-up—which initiated the visit to the work site.

## —Initial contact—

Cal/OSHA enforcement staff obtain permission to conduct an inspection from a management level representative of the employer, or if none is present, from the employer representative who appears to have authority to grant permission to conduct the inspection.

If permission to enter is refused, Cal/OSHA will obtain an inspection warrant. A Cal/OSHA inspection is based on one or more criteria, and may focus on part or all of the workplace or operating procedures. Inspection priorities are:

- Imminent hazard.
- Fatality or catastrophe.
- Investigation of serious injury or exposure.
- Formal complaints.
- Scheduled inspection, usually of businesses in industries with higher-than-average potential risk.

## —Presentation of credentials—

Cal/OSHA inspectors identify themselves to the employer by showing their State of California photo identification card and Division of Occupational Safety and Health business card prior to conducting an inspection of the work site.

**Imminent hazards**—if an inspection is being conducted because of an imminent hazard, Cal/OSHA enforcement inspectors, after identifying themselves to the nearest available representative of the employer, ask to be taken to the imminent hazard immediately. After employees have been removed from exposure to the imminent hazard, the inspectors will conduct an opening conference.

**Order prohibiting use** (yellow tag)—if during an inspection or investigation the Cal/OSHA enforcement engineer or industrial hygienist concludes that a condition or practice exists which creates an imminent hazard to the safety and health of workers, the affected workers are informed and an *Order Prohibiting Use* is issued to the employer. This order prohibits employee use of the area, machine or equipment that presents the hazard, and a yellow tag is placed conspicuously in the area where the imminent hazard exists.

The employer may request a hearing by Cal/OSHA after being issued an order prohibiting use. The hearing is held within 24 hours of the request. The employer is required to notify employees or an employee

representative of the hearing to ensure that they are informed of their right to attend. The Cal/OSHA district manager also informs an employee representative of the right to attend, and the hearing time and location.

The yellow tag may not be removed until the hazardous condition no longer exists or the required safeguards and safety devices are installed. Only an authorized Cal/OSHA engineer or industrial hygienist can remove a yellow tag.

**Trade secrets**—information obtained by the Division of Occupational Safety and Health, as the result of an inspection, that contains or might reveal a trade secret is kept confidential, except when such information must be disclosed to Cal/OSHA staff or when it is relevant to any Cal/OSHA proceeding.

In such a proceeding, the Appeals Board, Standards Board, Director of Industrial Relations and the court will issue orders to protect the confidentiality of trade secrets.

**Advance notice**—by law, advance notice of an inspection is not given to an employer prior to the actual entry of Cal/OSHA enforcement staff upon the property, except by specific permission of the DOSH chief or authorized representative.

Unauthorized advance notice is a misdemeanor punishable by a fine of up to \$1,000 or imprisonment for up to six months, or both.

## —Opening conference—

An opening conference is conducted with the employer or the employer's highest ranking representative available at the inspected work site. The Cal/OSHA inspector explains the reason for and scope of the inspection to the employer. Joint opening conferences are held with the employer representative and bargaining unit representative of the employees. If the joint conference is not possible, separate opening conferences are held.

Enforcement staff will review the employer's permits and registration, documentation of workers' compensation coverage, occupational safety and health records, and the written IIP and any other required programs

### —Walkaround—

The Cal/OSHA inspector informs the employer of inspection walkaround procedures, employee interviews to be conducted, photographs of the work site that may be taken, testing and environmental samples that may be taken. If hazards observed during the walkaround are violations of the Title 8 safety orders, citations will be issued and monetary penalties proposed.

Enforcement staff will collect pertinent documentary and physical evidence during the inspection. If during the investigation of an accident or occupational illness it is necessary to ensure that the work site—or physical evidence located at the work site—is preserved until the inspection can be completed, enforcement personnel will issue an Order to Preserve.

**Citations**—if after an inspection or investigation Cal/OSHA believes that an employer has violated any Title 8 standard, order or regulation, a citation is issued that sets a reasonable time for abatement (correction).

The citation must be prominently posted by the employer at or near each place of violation referred to in a serious citation, or in a place where it is readily seen by all affected employees for general/regulatory violations—and must remain posted for a period of three working days or until the condition is abated, whichever is longer.

**How penalties are calculated**—penalties are based on the severity, extent and likelihood of the violation. Adjustments to the proposed penalty are made based on the size, good faith and history of the employer. The employer's history is based on an evaluation of any previous citation(s) within the last three years. Adjustments are also made for employers of 100 employees or less. Good faith can be demonstrated by the:

- Safety and health program evaluation.
- Cooperation during the inspection.
- Genuine effort to comply with Title 8 safety orders, including Injury and Illness Prevention Program requirements.
- Effectiveness of communication with employees on workplace safety and health.
- Resolve to correct hazards identified during the walkaround.
- Use of personal protective equipment.

Penalties may not be reduced for any reason other than size of company if a serious injury, illness, exposure or death is caused by any serious or willful or repeat violation, or by failure to abate a serious violation within the time permitted for its correction, or for a repeat violation. Except for size of company, penalties for serious violations are not reduced when an employer's IIP Program is not operative.

An employer who violates the Occupational Carcinogens Control Act by committing a serious violation of a standard is assessed civil penalties that are not subject to adjustment.

**Abatement credit**—the penalty for general and serious violations is reduced by 50 percent on the presumption that the employer will correct the violations by the abatement date. This credit is revoked and the proposed penalty doubled if verification of abatement of a serious violation is not submitted to Cal/OSHA on a timely basis. Proof of abatement must be submitted to avoid having the credit revoked.

**Failure to abate**—exists when evidence obtained by Cal/OSHA demonstrates that the employer failed to correct a previously cited violation by the date fixed for abatement. Penalties are assessed for each calendar day the violation is not abated.

### —Closing conference—

At the inspection's conclusion, the Cal/OSHA inspector holds a closing or exit conference with the employer to discuss any alleged violations of standards observed and any requirements for abatement.

The possibility of a followup inspection is also discussed, as are the employer's right to contest any citation or penalty, reasonableness of the abatement or abatement date that might be received from Cal/OSHA, availability of an informal conference to review Cal/OSHA enforcement actions, and the employer's responsibility to post citations and notify Cal/OSHA of abatement of certain violations.

**Verification of abatement**—enforcement staff assign an abatement date for each cited violation. Abatement is usually required within no more than 30 calendar days for general violations and seven days for serious violations. Employers are required to submit proof of abatement to the Cal/OSHA district office which is-sued the citation. Setting an abatement date depends on the:

- Probability that a fatality, injury or illness could occur as a result of the violative condition during the abatement period.
- Amount of time needed by the employer to accomplish abatement, for design work or obtaining materials, equipment, personnel.
- Availability of interim safety and health measures such as personal protective equipment or training.
- Occurrence of weekends or holidays.
- Existence of sufficient time for the employer to receive the citation.

#### —Informal conference—

Following receipt of a citation or notice, an employer may request a discussion with the Cal/OSHA district manager. An informal conference is conducted within 10 working days of citation issuance. If an appeal is filed, the conference may be held any time prior to the scheduled date of an appeal.

The employer may discuss requests for extension of abatement dates, evidence which indicates that no violation exists, or that the proposed penalties are inappropriate.

#### —Occupational Safety & Health Appeals Board—

Upon receipt of a citation, the employer may appeal to the Occupational Safety and Health Appeals Board in reference to the violation, proposed penalty or abatement requirement.

Any appeal must be made in writing within 15 working days of receipt of the citation. If an employer fails to notify the Appeals Board of their appeal within the 15 working day limit, and no notice is filed by an employee or employee representative within that time, the citation becomes a final order not subject to review by any court or other agency. The Appeals Board itself may extend the 15-day period for good cause.

Appeals can be resolved by a telephone prehearing conference without the necessity of a hearing. For appeals that require a hearing, the hearing is held in the Cal/OSHA district office as near as practicable to the site where the violation is alleged to have occurred.

Although the appeal procedures are designed so that employers may represent themselves, attorneys represent employers in about half of the appeals.

The hearing is conducted by an administrative law judge who issues a decision. Parties affected by the decision may file a petition for reconsideration within 30 days if they disagree with the decision of the judge. Appeals Board reconsideration decisions may be appealed to Superior Court.

An overview of the appeal process is available on the Internet—<http://www.dir.ca.gov/oshappeals> online.

## —Filing a complaint—

If an employee believes that working conditions are unsafe or unhealthful, the first step should be to call the employer's attention to the problem. If the employer does not correct the hazard or agree on its extent, the employee has the right to file a complaint with Cal/OSHA and request their inspection of the workplace.

Employees may file a complaint by phone, fax or mail to the nearest Cal/OSHA enforcement district office if they believe there is a violation of a Cal/OSHA standard or a serious safety or health hazard at the workplace. Cal/OSHA will evaluate the complaint to be sure there are reasonable grounds for believing a violation of a standard exists. Employees may also request advice from Cal/OSHA Consultation Service area offices.

On a complaint inspection, enforcement staff take care not to reveal to the employer the identity of the complainant(s), or any of the complaint items because disclosure of the items may identify the complainant. The employer is not given a copy of the complaint. Complainants who identify themselves to Cal/OSHA are notified of the results of an investigation. If Cal/OSHA determines that no violation exists, written notification of this determination is given to the complainant, who then has the right to request a review by Cal/OSHA.

## —Protection from discrimination—

An employee may not be discharged, punished, or discriminated against in any way in terms and conditions of employment for filing a bona fide complaint concerning unsafe or unhealthful working conditions or work practices in a place of employment, or for exercising other rights granted in Labor Code Section 6310.

Employees who believe they have been discriminated against may file a complaint about this discrimination within six months with the nearest office of the Department of Industrial Relations' Division of Labor Standards Enforcement (state labor commissioner).

If the charge of discrimination is determined to be valid, the labor commissioner will grant appropriate relief to the employee, including rehire, reinstatement, and reimbursement for lost wages and work benefits. If the employer does not voluntarily comply, the labor commissioner may bring action in any appropriate court against an employer who has taken a retaliatory action against an employee.

## —Walkaround—

Cal/OSHA enforcement staff will request that an employee representative be contacted and invited to accompany the Cal/OSHA inspector and the employer or employer representative on the inspection. If an employee representative is not present, the Cal/OSHA inspector must interview workers in confidence during the course of the inspection.

## —Closing conference—

If provision is not made for employee representation at the closing conference with the employer, the employee or employee representative may request a separate closing conference with the Cal/OSHA inspector.

## —Informal conference—

The employee representative is to be contacted by the employer. The employee or employee representative who participated in the inspection has the right to attend.

## —Occupational Safety & Health Appeals Board—

Affected employees or their representative may have the right to appeal the abatement period, and may also participate in the hearing if their employer files an appeal.

During an inspection, the Cal/OSHA enforcement engineer or industrial hygienist may issue any of the following:

**Notice**—in lieu of a citation, issued when the violation does not directly or immediately affect the health and safety of employees, and is general or regulatory in nature.

**Special Order**—written to abate a hazard for which there is no existing standard. It is considered an order to correct and has the same effect as any standard, though it applies only to the place of employment described in the Special Order.

**Order to Take Special Action**—issued where a safety order exists, either stating that Cal/OSHA may require an employer to take certain action if circumstances warrant, or prescribing a specific manner in which the employer must comply with the safety order.

**Information Memorandum**—issued where a condition exists that has the potential to become hazardous in the future.

**Citation**—written for a violation which affects the safety or health of employees. Citations may be issued for:

- A regulatory violation, cited when an employer fails to comply with record keeping, posting or permit requirements.
- A general violation, cited when an accident or occupational illness resulting from violation of a standard would probably not cause death or serious physical harm, but would have a direct or immediate relationship to the safety or health of employees.
- A serious violation, cited where there is substantial probability that death or serious physical harm could result from a condition which exists—or from practices, operations or processes at the workplace.
- A willful violation, where evidence shows that the employer committed an intentional and knowing violation—as distinguished from inadvertent or accidental or ordinarily negligent—and the employer is conscious of the fact that what they are doing constitutes a violation, or is aware that a hazardous condition exists and no reasonable effort was made to eliminate the hazard.
- A repeat violation, when a recurrence of the previously cited standard, regulation, order or condition is found within three years of the previous violation becoming a final order. Repeat violations

differ from willful violations in that they may result from an inadvertent, accidental or ordinarily negligent act. If a repeat violation is also willful, a citation for willful violation is issued.

**Failure-to-Abate**—issued when an employer has not abated a condition previously cited by Cal/OSHA. If an employer has not corrected an alleged violation for which a citation has been issued, the violation is classified as failure-to-abate serious or general.

## —Penalties—

**Civil penalties**—issued for cited violations and failure to abate a violation. Effective January 1, 2000, government agencies are no longer exempt from civil penalties, including penalties for failure to abate.

Penalties of up to \$15,000 per day may be proposed for each failure to correct a violation by the abatement date shown on the citation.

An employer who receives a citation for a serious violation may be assessed a civil penalty of up to \$25,000 for that violation. Penalties for general and regulatory violations may be assessed up to \$7,000 for each violation.

A penalty of not less than \$5,000 nor more than \$70,000 may be assessed an employer who willfully violates any occupational safety and health standard or order. The maximum civil penalty that can be assessed for each repeat violation is \$70,000.

**Criminal penalties.** A willful violation that causes death or permanent or prolonged impairment of the body of any employee results, upon conviction, in a fine of up to \$250,000 or imprisonment up to three years, or both—and if the employer is a corporation or limited liability company, the fine may not exceed \$1.5 million.

Anyone convicted of making a false statement or certification on records or other documents required under the Cal/OSHA program is subject to a fine of up to \$70,000 or imprisonment up to six months, or both. The law also contains misdemeanor provisions relating to matters such as knowingly or negligently violating a workplace safety and health regulation, repeatedly violating a regulation, or refusing to comply with a regulation, and thereby creating an employee hazard. Criminal penalties are enforced by the local district attorney.

The California Legislature has enacted a number of permit, licensing, registration, certification and notification requirements (see also page 6 of this guide).

### —Carcinogen control—

State law requires employers to meet strict standards to protect workers who handle carcinogenic substances. Specific standards are written for carcinogenic (cancer causing) substances.

Employers must file a Report of Use with the chief of DOSH for carcinogenic use and incidents exposing workers to these substances. Title 8 Section 5203 states what the report shall include.

Current Title 8 carcinogen standards are:

- 1529, 5208, 5208.1, 8358—Asbestos
- 1532, 5207—Cadmium
- 1535, 5200—Methylenedianiline (MDA)
- 5201—1,3 Butadiene
- 5202—Methylene Chloride
- 5209—Carcinogens:
  - 2-Acetylaminofluorene
  - 4-Aminodiphenyl
  - Benzidine and its salts
  - 3,3'-Dichlorobenzidine and its salts
  - 4-Dimethylaminoazobenzene
  - alpha-Naphthylamine
  - beta-Naphthylamine
  - 4-Nitrobiphenyl
  - N-Nitrosodimethylamine
  - beta-Propiolactone
  - bis-Chloromethyl ether
  - Methyl chloromethyl ether
  - Ethyleneimine
- 5210—Vinyl Chloride
- 5211—Coke Oven Emissions
- 5212—1,2-Dibromo-3-Chloropropane (DBCP)
- 5213—Acrylonitrile
- 5214—Inorganic Arsenic
- 5215—4,4'-Methylenebis (2-Chloroaniline) (MBOCA)
- 5217—Formaldehyde
- 5218—Benzene
- 5219—Ethylene Dibromide (EDB)
- 5220—Ethylene Oxide (EtO)

For information and assistance regarding carcinogens and carcinogen standards, contact offices of the Cal/OSHA Consultation Service or the Asbestos Contractors Registration/Occupational Carcinogen Control Unit listed at the back of this guide.

### —Asbestos work—

Contractors and employers who perform asbestos-related work must be registered with the Asbestos Contractors Registration Unit (listed at back of guide). Employer registration is required:

- if measurable asbestos fibers may be released into the air, and
- if the asbestos content of the construction materials is greater than 0.1 percent by weight, and
- if the job is 100 square feet or more in surface area.

Registered contractors or employers must give written notification to the nearest Cal/OSHA district office 24 hours before beginning an asbestos abatement job, regardless of the amount of asbestos-containing material to be disturbed.

Asbestos consultants and site surveillance technicians who contract to provide professional safety and health services associated with asbestos-related work must be certified by the Asbestos Consultant and Trainer Approval Unit (listed at back of guide). To obtain certification, the individual must pass a proficiency examination administered by this unit.

Both monetary and criminal penalties apply to contractors, employers, consultants, and site surveillance technicians who are not registered or certified. The standards for work involving asbestos-containing construction materials define who is required to register, the registration process, and how the employer is to conduct the work. Definitions for certified asbestos consultant and site surveillance technician are described in Title 8.

### —Lead work—

Under certain conditions specified in Title 8, contractors or employers must give written notification to the nearest Cal/OSHA district office 24 hours prior to the start of lead work. There is an annual notification option for employers conducting ongoing lead-related operations and maintenance work on stationary steel structures.

### —Crane safety—

**Tower cranes**—the Division of Occupational Safety and Health ensures safe erecting, climbing, dismantling and operating of tower cranes by:

- Issuing permits for erecting fixed tower cranes, operating fixed and mobile tower cranes.
- Informing crane employers of safety standards and manufacturer’s recommended practices prior to erecting and operating a tower crane.
- Requiring crane employers to notify the nearest Cal/OSHA district office when a fixed tower crane will begin operation, be jumped or dismantled, and when a mobile tower crane will be operated at different sites.
- Conducting periodic inspections of workplaces with tower cranes.

Cal/OSHA is required to inspect fixed and mobile tower cranes within ten business days of receiving an application for an operating permit. Twice a year Cal/OSHA inspects each tower crane—including free-standing, climbing, mobile and self-erecting tower cranes.

Cal/OSHA must be notified 24 hours in advance when a tower crane begins operation, is jumped, and is dismantled—and when a mobile tower crane begins operating.

**Crane certifiers**—anyone testing, examining or certifying cranes and derricks in lifting service that exceed three tons rated capacity is required to be licensed as a crane certifier by Cal/OSHA, or to be approved by Cal/OSHA as a surveyor to certify cranes under the authority and supervision of a licensed crane certifier.

Unannounced audits of the activities of crane certifiers and surveyors licensed by Cal/OSHA are conducted at least once during each licensing period, and complaints and accidents involving crane certifiers or surveyors are investigated.

Licensed crane certifiers are required to maintain complete records of each crane and derrick inspection, test, and other work. They are also required to notify Cal/OSHA of any deficiencies affecting the safe operation of a crane found during its certification inspection, within five working days following the inspection. Failure to report crane safety deficiencies or

to maintain required records may result in license suspension or revocation.

### —Construction permits—

Permits from the Division of Occupational Safety and Health are required before an employer may undertake the following work:

- Constructing trenches or excavations five feet or deeper and into which a person is required to descend.
- Constructing a building, structure, falsework or scaffolding higher than three stories.
- Demolition of a building, structure, falsework or scaffolding higher than three stories.
- Constructing or dismantling vertical shoring systems higher than three stories.
- Helicopter operations during construction of a building or structure.

Before beginning construction, each permit holder must complete a Cal/OSHA notification form and mail or fax it to the nearest Cal/OSHA district office where the work is to be performed.

Cal/OSHA may inspect or confer with the employer before the work is started. If a pre-job safety conference between Cal/OSHA and the employer is a requirement specified when the permit is issued, employees or their representatives are to be included at the conference.

An employer who is denied a permit by Cal/OSHA may appeal that denial to the Director of Industrial Relations. On good cause, after notice to the employer and an opportunity to be heard, Cal/OSHA may revoke any permit issued.

Permits must be posted at or near each place of employment requiring a permit. If posting at the actual job site is not possible, the permit must be available for inspection at all times at the site—or, in the case of a mobile unit, at the employer’s head office in the area.

### —Permit renewal by mail—

Responding to contractors’ requests for expedient renewal of their annual construction permits, a system was set up to process and issue permits by mail for employers holding annual permits the previous year. Cal/OSHA checks for requirements such as a valid state contractor’s license, name and address changes, and citation history that may affect issuing an annual permit.

Employers save time renewing annual permits by mail instead of driving to a district office. Another benefit is centralized permit information, making it easier for public agencies and private businesses to inquire about contractors' permit status.

#### —Blasting licenses—

Any time an employer is planning the use of explosives in the workplace, a blasting license is required. This applies to construction, mining, tunneling, well servicing, seismic exploration, structural demolition, and special uses within general industry.

#### —Mining & tunneling—

All underground mining and tunneling operations require certification of safety representatives and gas testers by the Mining and Tunneling Unit (listed at back of guide). Permits are also required for underground use of diesel engines in mines and tunnels.

The owner, operator or person in charge of any mine must notify the Mining and Tunneling Unit before beginning operations. (See also page 6 of this guide for other notification requirements.)

#### —Pressure vessels—

Permits issued by the Pressure Vessel Unit (listed at back of guide) are required for air tanks, LPG propane storage tanks over 125 gallons, and high pressure boilers over 15 psig steam. Permit exceptions depend on vessel capacity and operating pressures. Permit inspections may be done by Pressure Vessel Unit engineers or certified insurance inspectors.

#### —Elevators—

Permits and annual certification renewal by the Elevator, Ride and Tramway Unit (listed at back of guide) are required for installing and operating passenger and freight elevators, side-walk elevators, manlifts and special access elevators/ lifts, dumbwaiters, incline elevators, escalators, moving walks, inclined reciprocating conveyors, material lifts, hand-powered man platforms and screw column elevators.

#### —Amusement rides—

Permits issued by the Elevator, Ride and Tramway Unit are required for the operation of amusement rides, including bungee jumping. Certification is also required for qualified safety inspectors of permanent amusement rides, and these inspectors must complete a training program and pass a written exam.

#### —Aerial passenger tramways—

Permits issued by the Elevator, Ride and Tramway Unit are required for operating all passenger tramways, which are inspected twice yearly in summer and winter.

#### —Cal/OSHA equipment approval—

Cal/OSHA does not approve equipment or products, which may be used to comply with occupational safety and health standards, unless the specific standard requires such approval. Each approval made under these conditions is assigned an approval number.

Examples of equipment requiring Cal/OSHA approval are gasoline vapor recovery systems, permanently installed maintenance equipment (window washing), radio signaling devices used in logging, automotive lifts and rebar caps.

Equipment manufacturers often provide engineering information to their customers, since they are concerned about safe operation of their equipment and want to avoid liability.

Any product-advertising that claims "Approved by DOSH" or "Approved by Cal/OSHA" is inaccurate unless the approval number is also given.

Cal/OSHA is required to adopt reasonable and enforceable standards at least as effective as those adopted by federal OSHA.

Cal/OSHA further protects the health and safety of workers by adopting additional standards when no comparable federal standards apply. Pending development of a permanent standard, emergency regulations may be adopted to take immediate effect where employees are exposed to hazards or life-threatening danger.

## —Occupational Safety & Health Standards Board—

Workplace safety and health standards are adopted, amended or repealed by the Occupational Safety and Health Standards Board. The Standards Board also makes decisions on petitions for changes to standards and permanent variances.

California's standards for occupational safety and health are in the California Code of Regulations, Title 8, Industrial Relations—available on the Internet in a searchable format from the Standards Board home page: <http://www.dir.ca.gov/oshsb> online.

Cal/OSHA Consultation Service publishes construction and manufacturing industry guides that summarize and paraphrase standards specific to these industries, as well as reprints of some of the most frequently cited standards.

## —Taking part in the standard setting process—

Interested individuals and organizations may take part in standards development as members of standards advisory committees. Requests to serve on advisory committees should be made to either the Division of Occupational Safety and Health or the Standards Board.

Interested persons may also request to be included on the board's mailing list, which is used to notify persons of proposed changes to standards, and the time and place of the Standards Board's public hearings/meetings—for opportunity to give written and voiced comments on the proposed new or revised standards. This information is also available on the Internet— <http://www.dir.ca.gov/oshsb> online.

Anyone seeking regulatory changes may petition the board verbally or in writing. The Standards Board has six months following receipt of a petition to report its decision.

## —Variances—

Employers may apply to the Standards Board for a permanent variance from an occupational safety and health standard, order or special order, if they can demonstrate that an alternative method, device or process provides equal or superior safety for workers.

Applications are considered at variance hearings conducted by the Standards Board. Rules of procedure are in Chapter 3.5 of the *California Code of Regulations*, Title 8, starting with Section 401.

The Division of Occupational Safety and Health has the authority to grant a temporary variance if an employer files a proper application and one of the following conditions exists:

- The employer cannot comply with a new standard by its effective date, and applies to the Division of Occupational Safety and Health for a temporary variance prior to the effective date of the standard.
- The employer has developed a new process or has new machinery, finds that this is in violation of an existing standard, and needs extra time to bring the new process or equipment into compliance.
- The employer has just purchased a plant or establishment and finds that there are violations which will take a certain length of time to correct.

A temporary variance may be granted only after notice is given to employees and a hearing is held. Anyone adversely affected by the granting or denial of a temporary variance may appeal that action to the Standards Board.

## —Agricultural safety & health—

Beginning as a pilot project in 1999, Cal/OSHA developed the Agricultural Safety and Health Inspection Project (ASHIP) involving increased enforcement and consultation. Despite the significant number of fatalities, injuries and illnesses in agriculture, Cal/OSHA receives few complaints from agricultural employees themselves, and therefore needed to increase enforcement and consultation. The strategic goal is to reduce the number of fatalities and serious injuries and illnesses in agriculture.

Agriculture production is one of the most hazardous industrial activities in California: in 1998 there were 57 fatal injuries, 10.7 percent of all the fatalities in California's private sector work force. The incidence rate of nonfatal injuries in agricultural services—8.5 injuries/illnesses per 100 workers—was also higher than the incidence rate for all private sector workers combined, which was 6.3 injuries/illnesses per 100 full-time workers.

Among other safety and health hazards, agricultural injuries and illnesses arise from:

- Machinery-related accidents such as tractor rollover.
- Heat stress.
- Field sanitation hazards such as lack of drinking water, toilet and handwashing facilities.
- Musculoskeletal hazards such as prolonged stoop labor.
- Skin hazards such as lacerations from pruning knives, exposure to soil contaminants.
- Electrical hazards such as working with metal ladders near energized power lines.

## —Construction safety & health—

Beginning in 2000, Cal/OSHA developed the Construction Safety and Health Inspection Project (CSHIP) involving increased enforcement and consultation. The goal is to reduce the number of fatalities and serious construction injuries and illnesses.

Within total employment by industry, construction ranks first among private sector industries in the number of nonfatal injury cases. Though the incidence rate of nonfatal injuries in California industries has generally declined, in the construction industry the rate is considerably higher than the nonfatal injury rate for all private sector industries combined, and the highest for any single major industry group.

The work-related mortality rate in the construction industry is the second highest among all California industries. Construction accounts for just five percent of the California work force, yet nearly one in five occupational fatalities occurs in construction.

Falls from heights of one story or more, usually from roofs or scaffolds, are one of the main causes of death in construction: from 1995 to 1998 fatal construction falls increased 50 percent, and fatal falls from roofs increased 166 percent.

## —Bloodborne pathogens safety & health—

In 2001 DOSH began the Bloodborne Pathogens Safety and Health Inspection Program (BSHIP) to enforce recent changes to the bloodborne pathogens standard. In 1999 California was first nationwide to place stronger requirements on employers to use needles and other sharps devices engineered to reduce the chances of needlestick injuries. Major revisions to the standard were adopted in July 1999 to strengthen worker protection from transmission of bloodborne pathogens due to such injuries.

Approximately 700,000 health care workers in California are at risk of workplace exposure to life-threatening bloodborne pathogens. The vast majority of these exposures are caused by needlestick injuries.

Annually at least 100,000 California health care workers are injured by accidental needlesticks. Although the risk of disease transmission is low for most types of needlesticks, all such injuries have the potential for transmitting bloodborne pathogens such as HIV, Hepatitis B and C viruses—and health care workers are most at risk for occupationally-acquired infection.

Revisions to the bloodborne pathogens standard focus on prevention of needlesticks and other sharps injuries. In health care delivery settings, these injuries typically occur when a health care worker inadvertently punctures his/her skin with a hypodermic syringe or other sharps device that was used on a patient and is contaminated with the patient's blood or other body fluids. Sharps injuries are the primary mode of transmission of bloodborne pathogens in the workplace.

The Cal/OSHA booklet *Don't Risk Your Health* gives employees information in six languages: English, Spanish, Tagalog, Chinese, Korean, Vietnamese.

The standard covers lifeguards, police, firefighters, members of medical emergency teams, housekeepers, janitors, park grounds-keepers, and workers in prisons, dental offices, medical labs, mortuaries, schools, home health care operations, and other places of employment where there is possibility of exposure.

In 1999 the California Legislature established the Sharps Injury Control Program to study sharps injuries in California hospitals, skilled nursing facilities and home health agencies. Goals of the program include conducting a sharps injury surveillance study to identify the degree of risk from different types and brands of medical devices and procedures, and making safety recommendations for sharps devices.

Employers are required to reduce the risk of exposure to a bloodborne infection by first evaluating hazards. If there is a possibility that employees may be at risk, the employer must:

- Involve frontline workers in the selection of needles and other sharps devices engineered to reduce the chance of inadvertent needlestick injuries.
- Maintain a sharps injury log recording the type and brand of device involved in the exposure incident, and details of the incident useful for taking preventive action.
- Develop a written exposure control plan.
- Give training so that employees learn how to avoid exposure to bloodborne diseases.
- Provide personal protective equipment such as gloves or masks for employees to do their jobs with little risk of infection.
- Provide the equipment at no cost to the employee—the employer is responsible for disposal or cleaning of personal protective equipment according to manufacturer's directions.
- Provide vaccinations against hepatitis B if employees are in a job where there is risk of exposure or if they have been exposed—that is, if employees choose to have the vaccination and are not already immune to the disease as shown by testing.

The Consultation Service's safety and health fact sheet summarizes new requirements, approaches for coming into compliance, frequently asked questions and additional resources.

### —Responsibilities of employers at multi-employer work sites—

The California Legislature during 2000 codified into statute the responsibilities of employers at multi-employer work sites. A multi-employer work site is any work site where more than one employer and their employees work, not necessarily at the same time. Construction sites are the most common multi-employer work sites.

Labor Code Section 6400 (b) is identical to the Division of Occupational Safety and Health 1998 multi-employer work site regulation in Title 8 of the California Code of Regulations, Sections 336.10-11. Before its adoption, only the employer whose employees were actually exposed to a violation could be cited for that violation. Now Cal/OSHA can cite the employer who is responsible for a violation, even when that employer has no employees exposed to the hazard.

Cal/OSHA gathers sufficient evidence to determine which employer or employers associated with a multi-employer work site should be cited for hazardous conditions found at the work site, and issues citations to protect every employee working at the multi-employer work site from exposure to safety and health hazards.

### —Workplace security—

In 1994 Cal/OSHA held two conferences on workplace security—the first in the nation—in a drive to increase awareness of the issue and develop guidelines for preventing workplace violence. Many work sites are at risk for workplace violence, some at significantly greater risk than others. Employers should assess security factors if there are risks of violence such as:

- Exchange of money, availability of valued items such as jewelry.
- Working alone at night and during early morning hours, especially late-night retail.
- Guarding money or valuable items.
- Performing public safety functions in the community.
- Working with patients, clients, passengers, customers or students known or suspected to have a history of violence.

- Employees with a history of assaults or who have exhibited belligerent, intimidating or threatening behavior to others.

If present, these indicators of violence in the workplace require further evaluation. Although workplace violence may be a part of a larger societal crime problem, the employer is still required under Labor Code Section 6400 to provide a safe and healthful place of employment. Employers who are at risk of robberies or other violent assaults must address workplace security in their Injury and Illness Prevention Program.

Cal/OSHA's *Model Injury and Illness Prevention Program for Workplace Security* contains detailed prevention strategies for different types of workplace violence.

The cornerstones of effective workplace security are strong management commitment and employee involvement. This entails training employees, supervisors and managers in how to effectively defuse hostile situations involving clients, patients, customers, passengers, and members of the general public to whom they must provide services. The Consultation Service provides workplace security training as well as consultation on hazard assessment, assault investigation and hazard correction.

### —Workplace ergonomics—

California's workplace repetitive motion injury standard, effective July 1997, was the first in the nation to deal with musculoskeletal injuries which are caused by a repetitive job, process or operation. In 1999 the Legislature reaffirmed its concern over the prevalence of repetitive motion injuries in the workplace and the continuing duty of the Standards Board to adopt standards relating to ergonomics in the workplace.

The Cal/OSHA ergonomics standard contains three independent requirements:

- Work site evaluation of each job, process or operation of identical work activity, such as word processing, assembly or loading.
- Control measures to correct in a timely manner the exposures causing repetitive motion injuries.
- Employee training.

The standard is enforced when at least two employees at the employer's workplace are diagnosed with a repetitive motion injury within 12 months by a licensed physician. Employees incurring the repetitive motion injury must have been performing a job, process, or operation of identical work activity.

The Cal/OSHA Consultation Service makes numerous presentations on workplace ergonomics, back injury prevention and musculoskeletal disorders to help employers and employees understand the scope of the problem and establish preventive measures minimizing the occurrence of repetitive motion injuries.

In March 2001 a joint resolution of Congress disapproved federal OSHA's ergonomics standard. As a result of this action, the federal standard is no longer in effect and employers and workers are not bound by its requirements.

The California ergonomics standard is not affected by the joint resolution of Congress. If an ergonomics standard is adopted by federal OSHA at some future date, Cal/OSHA will be required to adopt a standard at least as effective as the federal standard within six months.

## Worker Rights/Responsibilities

### An employee has the right to:

- Safe and healthful working conditions.
- Get training from the employer on workplace hazards and workers' rights.
- Request information from the employer on Cal/OSHA standards, worker injuries and illnesses, job hazards and workers' rights.
- Request action from the employer to correct hazards or violations of Cal/OSHA standards.
- File a complaint with Cal/OSHA regarding violations of Cal/OSHA standards or serious workplace hazards.
- Be involved in a Cal/OSHA workplace inspection by participating in the walkaround.
- Find out the results of the Cal/OSHA inspection.
- Get involved in meetings or hearings to discuss any employer objections to Cal/OSHA citations or changes to abatement deadlines.
- File a formal appeal of deadlines for hazard correction.
- File a Cal/OSHA discrimination or whistleblower complaint with the state labor commissioner.
- Request from the National Institute for Occupational Safety and Health a research investigation of workplace health hazards.
- File a petition to the Occupational Safety and Health Standards Board for a new standard.
- Participate in developing new standards.

### An employee is responsible for:

- Following all workplace safety and health rules and regulations, and wearing/using prescribed protective equipment while working.
- Reading at the job site the Cal/OSHA poster Safety and Health Protection on the Job.
- Being aware of Cal/OSHA standards, calling the local district office for information.
- Reporting hazardous conditions to the employer.
- Reporting any job-related injury or illness to the employer and seeking prompt treatment.
- Cooperating with Cal/OSHA enforcement personnel during an inspection if they inquire about safety and health conditions in the workplace.
- Exercising worker rights under the California Occupational Safety and Health Act.

## Employer Responsibilities

### An employer has the responsibility to:

- Establish, implement and maintain an Injury and Illness Prevention Program, and periodically update it to keep employees safe.
- Inspect the workplace to identify and correct unsafe and hazardous conditions.
- Make sure employees have and use safe tools and equipment, and properly maintain the tools and equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Provide medical examinations and training when required by Cal/OSHA standards.
- Report immediately by telephone or telegraph to the nearest DOSH district office any serious injury, illness or death of an employee occurring in a place of employment or in connection with any employment.
- If you employ 11 or more employees and are not exempt, you must keep records of work-related injuries/illnesses on the Cal/OSHA Log 300 (or equivalent) and post an annual summary (Form 300A) from 1 February through 30 April each year.
- Post at a prominent location within the workplace the Cal/OSHA poster Safety and Health Protection on the Job informing employees of their rights and responsibilities.
- If requested, provide employees, former employees and their representative's copies of the Forms 300 and 300A, by the end of the next business day.
- Provide employee medical and exposure record access to employees or their authorized representatives.
- Provide to Cal/OSHA enforcement personnel the names of authorized employee representatives who may be asked to accompany them during an inspection.
- Not discriminate against employees who exercise their rights under the California Occupational Safety and Health Act.
- Post Cal/OSHA citations at or near the work area involved. Each citation must remain posted until the violation is corrected or for three working days, whichever is longer. Post abatement verification documents or tags.
- Correct cited violations by the deadline set in the Cal/OSHA citation and submit the required abatement verification.

## Department of Industrial Relations posters required of California employers

—phone 415-703-5070 for:

- Industrial Welfare Commission Orders— request applicable industry/occupation poster
- Pay Day Notice—poster DLSE-8
- Cal/OSHA poster—English, Spanish—Safety and Health Protection on the Job

## Division of Occupational Safety & Health

- User's Guide to Cal/OSHA
- On-site Cal/OSHA Consultation
- Guide to Developing Your Workplace Injury & Illness Prevention Program
- Workplace Injury & Illness Prevention Model Programs:
  - For High Hazard Employers
  - For Non-high Hazard Employers
  - For Employers with Intermittent Workers—English, Spanish
  - For Intermittent Workers in Agriculture—English, Spanish
- Cal/OSHA Permit, Registration, Certification, and Notification Requirements
- Brief Guide to Record Keeping Requirements—forms
- Guide to the California Hazard Communication Regulation
- Cal/OSHA Guide for the Construction Industry
- Fall Protection for the Construction Industry
- Farm Labor Contractor Safety and Health Guide—English, Spanish
- Field Sanitation Regulation Fact Sheet
- Agricultural Safety & Health Inspection Project—English, Spanish
- Job Safety: What You Should Know—English, Spanish, Tagalog, Chinese, Korean, Vietnamese
- Don't Risk Your Health!—Bloodborne Pathogens—English, Spanish, Tagalog, Chinese, Korean, Vietnamese
- Exposure Control Plan for Bloodborne Pathogens
- Best Practices Approach to Reducing Bloodborne Pathogens
- Lockout/Blockout Methods and Sample Procedures—English, Spanish
- Is it Safe to Enter a Confined Space?
- Respiratory Protection Guide
- Easy Ergonomics: A Practical Approach for Improving the Workplace
- Fitting the Task to the Person
- Back Injury Prevention Guide for Health Care Providers
- Managing Stress Arising from Work
- Ergonomic Survival Guide for Carpenters and Framers
- Keys to Success and Safety for the Construction Foreman

All of the posters and publications listed here are free of charge. To order, telephone the Education Unit of Cal/OSHA Consultation Service at 916-574-2528, or write to:

**Cal/OSHA Research and Education Unit, 2211 Park Towne Circle, Suite 4, Sacramento, CA 95825.**

Workplace safety and health information is also available 24 hours a day on the Internet:

<http://www.dir.ca.gov/dosh/puborder.asp>

- Cal/OSHA Guidelines for Workplace Security
- Model Injury & Illness Prevention Program for Workplace Security
- Guidelines for Security and Safety of Health Care and Community Service Workers
- Revised Respirator Regulation fact sheet
- Lead in Construction fact sheet
- Safety Needles & Needleless Systems fact sheet
- Tailgate/Toolbox Topics:
  - Setting Up a Tailgate/Toolbox Safety Meeting
  - Roofing Safety: General Requirements
  - Roofing Safety: Slips and Falls
  - Power Press Safety
  - High Voltage Overhead Lines
  - Lockout/Blockout
  - Trenching Safety
  - Servicing Single, Split Rim & Multi-piece Rims or Wheels
- Agricultural—Industrial Tractors poster—English, Spanish
- Agricultural Safety & Health poster—English, Spanish
- Construction Safety & Health poster
- Operating Rules for Industrial Trucks poster—English, Spanish
- Access to Medical and Exposure Records poster—English, Spanish
- Emergency telephone numbers poster
- **Occupational Safety & Health Standards Board**
  - Role and Responsibility of the Standards Board
  - Monthly notice of public hearings that include proposed regulations, monthly calendar
  - Advisory committee guidelines
  - Proposed variance decisions
  - Variance application and procedure guidance
  - Petition process fact sheet
- **Occupational Safety & Health Appeals Board**
  - Appeal Information for the Occupational Safety and Health Appeals Board
- **Division of Labor Statistics & Research**
  - Occupational Injuries and Illnesses Survey
  - Census of Fatal Occupational Injuries

If you cannot contact an office through the listing given here, check your telephone directory for the current address and phone number under: California, State of, Department of Industrial Relations, Division of Occupational Safety and Health or Cal/OSHA Consultation Service—or check the Internet listing at <http://www.dir.ca.gov/dosh> online.

## Cal/OSHA Consultation Service

<b>Headquarters:</b>	2424 Arden Way–Suite 485, Sacramento CA 95825	(916) 263-5765
<b>Regional Office:</b>	2424 Arden Way–Suite 485, Sacramento CA 95825	(916) 263-5750
<b>On-site Assistance Offices:</b>		
Fresno/Central Valley	1901 North Gateway Blvd., Ste. 102, Fresno, CA 93727	(559) 454-1295
Oakland/Bay Area	1515 Clay Street, Ste. 1103, Oakland, CA 94612	(510) 622-2891
Sacramento/Northern California	2424 Arden Way, Ste. 410, Sacramento, CA 95825	(916) 263-0704
San Bernardino	464 West 4th Street, Ste. 339, San Bernardino, CA 92401	(909) 383-4567
San Diego/Imperial Counties	7575 Metropolitan Dr., Ste. 204, San Diego, CA 92108	(619) 767-2060
San Fernando Valley	6150 Van Nuys Blvd., Ste. 307, Van Nuys, CA 91401	(818) 901-5754
Santa Fe Springs/L.A./Orange	10350 Heritage Park Dr., Ste. 201, Santa Fe Springs, CA 90670	(562) 944-9366
<b>Other Consultation Service Units:</b>		
Cal/Voluntary Protection Program:		(415) 703-5272
Research and Education Unit:		(916) 574-2528

## Division of Occupational Safety & Health

<b>Headquarters:</b>	455 Golden Gate Ave.–10th Floor, San Francisco CA 94102	(415) 703-5100
<b>Regional Offices:</b>		
Anaheim	2100 East Katella Ave.–Suite 125, Anaheim CA 92806	(714) 939-8611
Sacramento	2424 Arden Way–Suite 125, Sacramento CA 95825	(916) 263-2803
Santa Rosa	1221 Farmers Lane–Suite E, Santa Rosa CA 95405	(707) 576-2419
West Covina	1906 West Garvey Ave. South–Suite 200, West Covina CA 91790	(626) 472-0046
<b>Cal/OSHA District Offices:</b>		
Anaheim	2100 East Katella Ave.–Suite 140, Anaheim CA 92806	(714) 939-0145
Concord	1465 Enea Circle–Bldg. E, Suite 900, Concord CA 94520	(925) 602-6517
Foster City	1065 East Hillsdale Blvd.–Suite 110, Foster City CA 94404	(650) 573-3812
Fresno	2550 Mariposa St.–Room 4000, Fresno CA 93721	(559) 445-5302
Los Angeles	320 West 4th St.–Room 850, Los Angeles CA 90013	(213) 576-7451
Modesto	1209 Woodrow–Suite C-4, Modesto CA 95350	(209) 576-6260
Oakland	1515 Clay St.–Suite 1301, Oakland CA 94612	(510) 622-2916
Pico Rivera	9459 East Slauson Ave., Pico Rivera CA 90660	(562) 949-7827
Sacramento	2424 Arden Way–Suite 165, Sacramento CA 95825	(916) 263-2800
San Bernardino	464 West Fourth St.–Suite 332, San Bernardino CA 92401	(909) 383-4321
San Diego	7575 Metropolitan Dr.–Suite 207, San Diego CA 92108	(619) 767-2280
San Francisco	455 Golden Gate Ave.–Room 1524, San Francisco CA 94102	(415) 703-5210
San Jose	2010 North First St.–Suite 401, San Jose CA 95131	(408) 452-7288
Santa Rosa	1221 Farmers Lane–Suite 300, Santa Rosa CA 95405	(707) 576-2388
Torrance	680 Knox St.–Suite 100, Torrance CA 90502	(310) 516-3734
Van Nuys	6150 Van Nuys Blvd.–Suite 405, Van Nuys CA 91401	(818) 901-5403
Ventura	1655 Mesa Verde Ave.–Room 150, Ventura CA 93003	(805) 654-4581
West Covina	1906 West Garvey Ave. South–Suite 200, West Covina CA 91790	(626) 472-0046

## Occupational Safety & Health Standards Board

2520 Venture Oaks Way–Suite 350, Sacramento CA 95833 (916) 274-5721

## Occupational Safety & Health Appeals Board

2520 Venture Oaks Way–Suite 300, Sacramento CA 95833 (916) 274-5751

**Legal/Bureau of Investigations**

Los Angeles	320 West 4th St.–Room 400, Los Angeles CA 90013 Legal (213) 576-7700 — Bureau of Investigations (213) 576-7482
San Francisco	455 Golden Gate Ave.–10th Floor, San Francisco CA 94102 Legal (415) 703-5080 — Bureau of Investigations (415) 703-5076

**Elevator, Ride & Tramway**

<b>Headquarters:</b>	2100 East Katella Ave., Ste. 280, Anaheim, CA 92806	(714) 456-1872
<b>Elevator:</b>		
Anaheim	2100 East Katella Ave.–Suite 250, Anaheim CA 92806	(714) 939-7741
Glendale	710 South Central Ave.–Suite 300, Glendale CA 91204	(818) 551-2999
Oakland	1515 Clay St.–Suite 1306, Oakland CA 94612	(510) 622-3026
Sacramento	2424 Arden Way–Suite 360, Sacramento CA 95825	(916) 263-2830
San Bernardino	464 West 4th St.–Suite 325, San Bernardino CA 92401	(909) 889-6395
San Diego	7575 Metropolitan Dr.–Suite 203, San Diego CA 92108	(619) 767-2050
San Francisco/North Bay	455 Golden Gate Ave.–10th Floor, San Francisco CA 94102	(415) 703-5250
San Mateo/Peninsula	3 Waters Park Dr.–Room 230, San Mateo CA 94403	(650) 294-0100
<b>Amusement Ride:</b>		
Anaheim	2100 East Katella Ave.–Suite 280, Anaheim CA 92806	(714) 456-1872
Sacramento	2424 Arden Way–Suite 340, Sacramento CA 95825	(916) 263-3511
<b>Permanent Amusement Ride Certification:</b>		
Sacramento	2424 Arden Way–Suite 340, Sacramento CA 95825	(916) 274-5709
<b>Tramway:</b>		
Sacramento	2424 Arden Way–Suite 300, Sacramento CA 95825	(916) 263-7995

**Pressure Vessel**

<b>Headquarters:</b>	1515 Clay St.–Suite 1302, Oakland CA 94612	(510) 622-3052
Anaheim	1515 Clay St.–Suite 1302, Oakland CA 94612	(714) 939-0434
Oakland	2100 East Katella Ave.–Suite 145, Anaheim CA 92806	(510) 622-3066

**Mining & Tunneling**

<b>Headquarters:</b>	1367 East Lassen Ave.–Suite B-4, Chico CA 95973	(530) 895-6938
Chico/mine safety training	1367 East Lassen Ave.–Suite B-4, Chico CA 95973	(530) 895-6938
Sacramento	2211 Park Towne Circle–Suite 2, Sacramento CA 95825	(916) 574-2540
San Bernardino	242 East Airport Dr.–Suite 105, San Bernardino CA 92408	(909) 383-6782
Van Nuys	6150 Van Nuys Blvd.–Room 310, Van Nuys CA 91401	(818) 901-5420

**High Hazard Compliance**

Regional Office:	2100 East Katella Ave.–Suite 205, Anaheim CA 92806	(714) 935-3148
Northern California:	1515 Clay St.–Suite 1303, MS#40, Oakland CA 94612	(510) 622-3009
Southern California:	2100 East Katella Ave.–Suite 110, Anaheim CA 92806	(714) 935-2720

**Asbestos Consultant & Trainer Approval**

2211 Park Towne Circle–Suite 1, Sacramento CA 95825	(916) 574-2993
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**Asbestos Contractors Registration/Occupational Carcinogen Control**

455 Golden Gate Ave.–10th Floor, San Francisco CA 94102	(415) 703-5191
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**Crane Certifier Accreditation**

2100 East Katella Ave.–Suite 100, Anaheim CA 92806	(714) 939-8478
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**Hazard Evaluation System & Information Service (HESIS)**

HESIS provides information to workers, employers and health professionals about the health effects of toxic substances and how to use them safely. (510) 622-4300