



An Overview of New and Proposed Cal/OSHA Regulations

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Cal/OSHA's Purpose

- Ensuring that California workers have a safe and healthful work environment
- Standards are found in Title 8 of the California Code of Regulations
- Safety and Industrial Hygiene

What Triggers an Inspection?

- Employee Complaints
- Accident Investigations





What Triggers an Inspection?

- Programmed Inspections
 - Construction (CSHIP)
 - Agriculture (ASHIP)
 - Food Processing
 - High Hazard Program
 - Experience modification (ex-mod) rating over 125%
 - Annual assessment (ex-mod greater than 125)
 - Inspections/Consultation



Citation Categories

- Regulatory
- General
- Serious
- Repeat - no adjustment for good faith or history
- Failure to Abate - maximum penalty up to \$15,000 per day
- Willful



Penalties

- Can Cal/OSHA close a company?
- Intent of penalties is not to put a company out of business.
- Government agencies, including schools, can now be fined (AB 1127).
- Where does the money go?



Multi-Employer Worksites (P&P C-1C)

- More than one employer at the worksite
 - Construction sites
 - Janitorial services
- Employer types:
 - Exposing employer
 - Creating employer
 - Controlling employer
 - Correcting employer



Dual Employer Worksites (P&P C-1D)

- Whenever an *employee* has two employers at the same time
- Primary employer
 - Payroll
 - Provides workers' compensation
- Secondary employer
 - Supervision
 - Control



Cal/OSHA vs. Fed/OSHA

- Does Fed/OSHA have jurisdiction in California?
- Half of the states have their own OSHA program.
 - State program regulations must be equal to or more stringent than Fed/OSHA's.
- All states have a Consultation Program



Consultation Services

- Must be invited to the facility
- Consultants work proactively with employers
- No citations or penalties
- Free
- Information is not shared with Enforcement
- Develop publications
- Answer questions by telephone



The Catch

- Serious and Imminent hazards identified during a consultation are expected to be corrected in a timely manner.
 - Serious - 30 days
 - Imminent - immediately
- Employee involvement
- Posting of identified serious hazards



Recent New Regulations

2006/2007

<http://www.dir.ca.gov/oshsb/apprvd.html>



Construction Permits (341)

- Effective October 29, 2006
- Two types of permits:
 - **Project Permits** - means a permit issued that authorizes an employer to conduct permit-required activity at the specific location(s) named in the permit.
 - **Annual Permits** - a permit issued that allows a qualifying employer to conduct specified permit-required activity at any jobsite for a period of one year.



When is a Permit Needed?

- To erect, raise or lower, or dismantle a fixed tower crane
- Use of a diesel engine underground in any mine or tunnel
- To conduct the demolition or dismantling of any building or structure more than 36 feet in height
- To conduct any of the following activities on a structure intended to be more than 36 feet high
 - Erection and placement of structural steel or erection and placement of structural members made of materials other than steel.
 - Installation of metal decking or decking made of substitute materials.
 - Installation of curtain walls, precast panels, or fascia.
 - Forming or placement of concrete structures or concrete decks on steel structures.
 - Installation of structural framing, including roof framing, or the installation of panelized roof systems.
- Construction of trenches or excavations 5 feet or deeper into which any person is required to descend.
- Erection and placement of scaffolding, vertical shoring, or falsework intended to be more than 36 feet high when completed.



Project Administrator

- Project Administrator means a person or entity that has overall onsite responsibility for the planning, quality, management, or completion of a project involving the erection or demolition of a structure.
- Examples: general contractors, prime contractors, owner/builders, joint ventures, and construction managers.



Issuance of Permits (341.1)

- Project Permits - application shall be submitted to the Division district office that has jurisdiction over the site of the project to be covered by the Project Permit.
- Annual Permits - application shall be submitted to the Division district office where the employer's California headquarters is located. If the employer has no California headquarters, the application shall be submitted to the Division's headquarters.

Roof Hazards - New Production-Type Residential Construction (1731)

- Effective April 1, 2007
- Roof Slopes 3:12 through 7:12
- Employees shall be protected from falling when on a roof surface where the eave height exceeds 15 feet above the grade or level below by use of one or any combination of the following methods
 - Personal Fall Protection
 - Catch Platforms
 - Scaffold Platforms
 - Eave Barriers
 - Standard Railings and Toeboards
 - Roof Jack Systems



Protection from Electric Shock (1518)

- Effective February 26, 2006
- Before work is begun, the employer shall ascertain by inquiry, direct observation, or by instruments, whether any part of an energized electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool or machine into physical or electrical contact with the electric power circuit
 - (1) Where such circuits exist, a legible marking shall be made indicating the presence and location of the energized circuit(s), or warning signs shall be posted in accordance with Section 3340 of the General Industry Safety Orders
 - (2) The employer shall advise the employee of the location of such energized circuits, the hazards involved, and the protective measures to be taken in accordance with Section 1509 of these Orders





Heat Illness in Outdoor Places of Employment (3395)

- Temporary standard went into effect in August 2005
- Permanent standard effective July 27, 2006

T8 CCR 3395 Requirements

- Water
- Shade
- Written Procedures
- Training



Water Provision



- Drink, drink, drink!
- Sufficient quantity: One quart per employee per hour for their entire shift.
- Effective procedures for replenishment.
- Encourage the frequent drinking of water.

Shade



- Preventative period required when an employee believes shade is needed to recover from the heat to **prevent** heat illness.
- Shall be no less than 5 minutes.
- Access to shade shall be permitted at all times.
- SHADE: A blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight.

Excavations

- Effective March 31, 2007
- Excavation shall not commence until:
 - The excavation area has been marked
 - The excavator has received a positive response from all known owner/operators of subsurface installations within the boundaries of the proposed project and either advise the excavator of those locations or advise the excavator that the owner/operator does not operate a subsurface installation that would be affected by the proposed excavation
- When the excavation is within 10 feet of a high priority subsurface installation, the excavator shall be notified by the facility owner/operator of the existence of the high priority subsurface installation before the legal excavation and an onsite meeting involving the excavator and the subsurface installation owner/operator's representative shall be scheduled
- Only qualified persons shall perform subsurface installation locating



Traffic Control for Public Streets and Highways (1598)

- Effective January 28, 2007
- Where a hazard exists to employees because of traffic or haulage conditions at work sites that encroach upon public streets or highways, a system of traffic controls in conformance with the *California Manual of on Uniform Traffic Controls Devices for Streets and Highways, September 26, 2006* (replaces the *Manual of Traffic Controls for Construction and Maintenance Work Zones—1996*)





Floors, Walls and Structural Steel Framed Buildings (1635)

- Effective February 24, 2006
- Special Provisions Applicable to Floor Openings applies to floor openings at locations where steel erection work is taking place.
- Applies where work is in progress that requires floor openings to be uncovered
- All of the following requirements shall apply:
 - The working level shall be under the exclusive control of the steel erection employer and shall be barricaded to prohibit entry by unauthorized personnel.
 - The floor area adjacent to the floor opening shall be barricaded or the floor opening shall be covered when not attended by steel erection personnel.
 - All planking and other materials used to cover floor openings shall be capable of safely supporting the greater of 400 pounds or twice the weight of the employees
 - All floor opening covers shall bear a sign stating, "OPENING-DO NOT REMOVE", in 2 inch high, black bold letters on a yellow background.
 - The placement of covers shall be verified by a qualified person prior to each shift and following strong wind conditions.
 - Workers shall be instructed and required to adhere to the following:
 - Keep covers in place when not engaged in work requiring the opening to be uncovered, and
 - Never remove a cover by walking forward or by stepping into an area where they cannot directly observe the surface their feet will touch.
 - After work requiring floor openings to be uncovered has been completed and prior to allowing other trades in the work area, the guarding and covers for floor openings shall meet the provisions of Section 1632(b).



Respiratory Protection (5144)

- Effective March 6, 2007
- Definitions:
 - Assigned protection factor (APF) means the workplace level of respiratory protection that a respirator or class of respirators is expected to provide
 - Maximum use concentration (MUC) means the maximum atmospheric concentration of a hazardous substance from which an employee can be expected to be protected when wearing a respirator



5144



- Assigned Protection Factors (APFs) Employers must use the assigned protection factors listed in Table 1 to select a respirator that meets or exceeds the required level of employee protection
- When using a combination respirator (e.g., airline respirators with an air-purifying filter), employers must ensure that the assigned protection factor is appropriate to the mode of operation in which the respirator is being used

Table 1.--Assigned Protection Factors

Type of respirator	Quarter	Half mask	Full	Helmet/hood mask	Loose fitting
1. Air-Purifying Respirator.....	5	10	50	.....	.....
2. Powered Air-Purifying Respirator (PAPR).....		50	1,000	25/1,000	25
3. Supplied-Air Respirator (SAR) or Airline Respirator					
Demand mode.....	.....	10	50	.....	.....
Continuous flow mode.....	.....	50	1,000	25/1,000	25
Pressure-demand or other positive-pressure mode.....	.....	50	1,000	.....	.....
4. Self-Contained Breathing Apparatus (SCBA)					
Demand mode.....	.....	10	50	50	.....
Pressure-demand or other positive-pressure mode (e.g., open/closed circuit).	.....	.....	10,000	10,000	.....



Chromium (VI)

- Effective September 19, 2006
- New vertical standard applies to occupational exposures to chromium (VI) in all forms and compounds
- Action level - $2.5 \mu\text{g}/\text{m}^3$ calculated as an 8-hour time-weighted average (TWA)
- Permissible exposure limit (PEL) - the employer shall ensure that no employee is exposed to an airborne concentration of chromium (VI) in excess of $5 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average (TWA)



Ventilation Requirements for Laboratory-Type Hood Operations (5154.1)

- Effective August 30, 2006
- Reduced from the minimum average face velocity of at least 100 feet per minute to a minimum average face velocity of 60 feet per minute if certain conditions are met
- By January 1, 2008, hoods shall be equipped with a quantitative airflow monitor that continuously indicates air is flowing into the exhaust system during operation.
 - The quantitative airflow monitor shall measure either the exact rate of inward airflow or the relative amount of inward airflow.
 - Examples of acceptable devices include: diaphragm pressure gauges, inclined manometers, and vane gauges.



Foot Protection (3385)

- Effective January 26, 2007
- Protective footwear for employees purchased after January 26, 2007 shall meet the requirements and specifications in American Society for Testing and Materials (ASTM) F 2412-05, *Standard Test Methods for Foot Protection* and ASTM F 2413-05, *Standard Specification for Performance Requirements for Foot Protection* which are hereby incorporated by reference
- Protective footwear purchased on or before January 26, 2007 shall meet the requirements of either the *American National Standard for Men's Safety-Toe Footwear, Z41.1-1999*, or the American Society for Testing and Materials (ASTM) F2412-05, *Standard Test Methods for Foot Protection* and ASTM F 2413-05, *Standard Specification for Performance Requirements for Foot Protection* which are hereby incorporated by reference.



Proposed Regulations

<http://www.dir.ca.gov/oshsb/proposedregulations.html>



Food Flavorings

- Diacetyl is a chemical that has been used to impart a butter-like flavor to food products, including popcorn
- Studies demonstrated that butter flavoring vapors are capable of causing severe airway injury known as bronchiolitis obliterans
- Research continues on diacetyl and other flavoring chemicals to evaluate the relationship of exposure to butter flavorings and adverse health effects, including lung disease



Noise

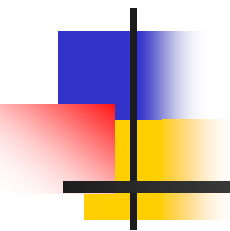
- Proposal to remove the agriculture and construction industries exemption from the noise standard



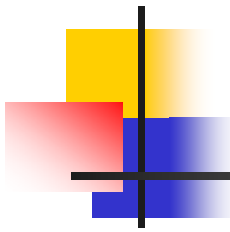
Proposed Changes

- [Sections 1620, 1626, and 1629](#) Railings and stairways
- [Section 1670\(b\)\(10\) and \(17\)](#) Use of guardrails as anchorage for personal fall arrest systems
- [Section 1740\(b\)](#) Storage and Use of Fuel Gas Cylinders
- [Sections 1801 and 8416](#) Update of ANSI Z136.1 Laser Safety Standards, Warning Signs, Labeling, and Posting of Signs
- [Section 2320.2](#) Energized Equipment or Systems
- [Section 2940.1](#) Voltage determination
- [Sections 3000, 3001, 3009, 3094.2, 3120.6, and 3137](#)
[New Sections 3140, 3141, 3141.1 through 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, and 3146](#) Revisions to the Elevator Safety Orders

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- [Section 3324](#) Horizontal Sliding Gates
 - [Section 4324](#) Dust Collection Systems for Woodworking Machines and Equipment
 - [Section 4543](#) Guarding of Meat Cutting Band Saw Blades
 - [Section 5001](#) Cranes and Other Hoisting Equipment--Signals
 - [Sections 5004, 5047, 8379](#) Use of Personnel Suspended Platforms from Crane or Derrick
 - [Section 5189](#) Process Safety Management--Definition of Retail Facility
 - [New Sections 5349, 5350, 5351, 5352, 5353, 5354, and 5355.1, and Sections 5355, 5356, 5357, and 5358](#) Snow Avalanche Blasting
 - [Section 8397.16](#) Shipyard Safety Orders, Land-Side Fire Protection--Update of National Fire Protection Association (NFPA) Standards

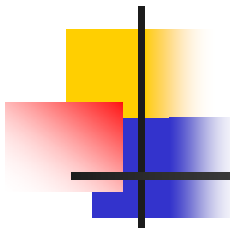


Title 8 Regulations



Injury and Illness Prevention Program (3203)

- Went into effect July, 1991
- The most cited Cal/OSHA regulation
- Required of all employers in California
- Employer must establish (written), implement, and maintain an effective IIPP.



Injury and Illness Prevention Program (3203)

- Authority and Responsibility
- Methods of Compliance
- Communication
- Hazard Assessment
- Correction of Unsafe Conditions
- Accident Investigations
- Training

Hazard Communication (5194)

- Material Safety Data Sheets
- Labeling
- Training
- Written Program





Material Safety Data Sheets

(cont'd)

- Must be in English and include information regarding the specific chemical identity and common names
- Must be readily accessible to employees in their work area

How must chemicals be labeled?

Each container of hazardous chemicals entering the workplace must be labeled or marked with:

- **Identity** of the chemical*
- Appropriate **hazard warnings***
- **Name and address** of the responsible party (manufacturer or distributor)

* Required elements on a secondary container



Washing Station in the Construction Industry (1527)



- Effective February 5, 2003
- One station per 20 employees
- Clean and maintain
- Located outside and detached from toilet



Hazard Evaluation System and Information Service's (HESIS)

- WWW.DHS.CA.GOV/OHB/HESIS
- Free safety and health publications
 - Fact Sheets
 - Booklets
 - Technical Documents
 - Medical Guidelines

Cal/OSHA Consultation Service

Toll-Free Number 1-800-963-9424

- **San Fernando Valley**
6150 Van Nuys Boulevard, Suite 307
Van Nuys, CA 91401
(818) 901-5754
- **Los Angeles, Orange**
10350 Heritage Park Drive, Suite 201
Santa Fe Springs, CA 90670
(562) 944-9366
- **San Bernardino**
464 W. 4th Street, Suite 339
San Bernardino, CA 92401
(909) 383-4567
- **San Diego**
7575 Metropolitan Drive, Suite 204
San Diego, CA 92108
(619) 767-2060
- **Northern California**
2424 Arden Way, Suite 410
Sacramento, CA 95825
(916) 263-0704
- **San Francisco Bay Area**
1515 Clay Street, Suite 1103
Oakland, CA 94612
(510) 622-2891
- **Central Valley**
1901 North Gateway Boulevard, Suite 102
Fresno, CA 93727
(559) 454-1295



Helpful Information

- Cal/OSHA's web page
- www.dir.ca.gov/dosh
 - Publications
 - Title 8 regulations
 - Policy and Procedure
- Fed/OSHA's web page
- www.osha.gov
 - Educational materials
 - Title 29 of the Code of Federal Regulations