

# Memorandum

**Date:** September 12, 2017

**To:** All Enforcement Branch Staff

**From:** Nathan Schmidt, Assistant Chief Counsel

**Subject: Increases in Minimum and Maximum Penalties for Regulatory, General, Willful, Repeat, Serious Tower-Crane, and Serious Carcinogen-Use Violations**

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The Office of Administrative Law has approved DIR's amendments to 8 CCR § 336 implementing the maximum and minimum penalty increases passed by the Legislature earlier this year. The amendments, which take effect September 14, 2017, conform to changes in federal OSHA's civil penalty structure. A copy of the amended text of 8 CCR § 336 is attached to this memo.

**For citations issued on or after September 14, 2017**, the maximum penalties that Cal/OSHA is authorized to propose for violations classified as Regulatory, General, Willful, or Repeat are as follows:

1. The **maximum** penalty for General and Regulatory violations, including Posting and Recordkeeping violations is increased from **\$7,000** to **\$12,471**.
2. The **maximum** penalty for Willful and Repeat violations is increased from **\$70,000** to **\$124,709**.
3. The **minimum** penalty for Willful violations is increased from **\$5,000** to **\$8,908**.
4. The **maximum** penalty for violations classified as Serious has not changed, but the fixed statutory penalties of **\$2,000.00** for Serious Tower-Crane and Serious Carcinogen-Use violations were repealed by the Legislature. As a result, the maximum penalty of **\$25,000.00** for Serious violations now applies to Serious Tower-Crane and Serious Carcinogen-Use violations.

The amendments to 8 CCR § 336 only change the maximum and minimum penalties as specified above. There are no other changes to the manner in which proposed penalties are to be calculated.

If you have any questions, please contact your supervisor. Supervisors, please contact Cora Gherga or Chris Grossgart with any questions.