

Key Performance Statistics for Cal/OSHA

January – June 2016

1) DOSH Program Office – April 12, 2016

- DOSH inspections and violation from January 1992 through September 2015
- DOSH on-site inspections and violations by major industrial groups, July-September 2015
- DOSH on-site inspections and violation cited by reason, April-September 2015

2) Drawn from the pages of the *Cal/OSHA Reporter* under the “Fair Use Doctrine”

- “Inspections and Violations Up for the First Half of 2015,” (February 19th)
- “Final California CFOI Count Shows One of the Lowest Fatality Totals Ever,” (April 29th)
- “”2015 Inspections, Violations on Track for Sizable Increases,” (May 6th)
- “Most Cited, Most Appealed Safety Orders of 2015,” (May 6th)
- “How Does California Stack Up Against the Country on Fatalities,” (May 13th)
- “Cal/OSHA Set for a Slight Raise in Governor’s Revised Budget,” (May 27th)

Compiled by Garrett Brown, July 15, 2016

**DOSH INSPECTIONS AND VIOLATIONS CITED BY QUARTER
FROM JANUARY 1992 THROUGH SEPTEMBER 2015**

CY	INVESTIGATIONS			% INSP PROG	TOTAL VIOLATIONS	VIOLATIONS PER INSPECTION	SERIOUS VIOLATIONS	OTHER THAN SERIOUS VIOLATIONS	% SERIOUS
	TOTAL INVEST	ON-SITE INSP	LETTER RESP.						
1992	13,428	12,580	848	15	29,259	2.32	4,079	25,168	14
1993	12,121	10,608	1,513	23	20,328	1.92	4,904	15,423	24
1994	14,354	11,457	2,897	22	21,803	1.90	4,987	16,814	23
1995	13,358	10,076	3,282	20	25,236	2.50	7,047	18,169	28
1996	12,600	9,103	3,497	19	21,821	2.40	5,819	16,002	27
1997	12,972	9,531	3,441	27	22,505	2.36	5,417	17,088	24
1998	12,902	9,322	3,580	20	20,889	2.24	5,292	15,597	24
1999	12,918	9,444	3,474	24	20,280	2.15	4,628	15,652	23
2000	13,002	9,298	3,704	29	20,878	2.24	4,410	16,468	21
2001	12,836	9,194	3,687	28	21,721	2.36	4,922	16,799	23
2002	12,579	9,032	3,547	28	20,038	2.22	5,157	14,881	26
2003	11,313	8,533	2,780	25	18,835	2.20	4,849	13,986	26
2004	11,000	7,522	3,478	19	16,515	2.20	4,422	12,093	27
2005	12,593	8,176	4,417	27	16,467	2.01	4,044	12,423	25
2006	12,771	8,583	4,188	33	19,789	2.31	4,765	15,024	24
2007	13,351	9,259	4,092	36	20,222	2.18	4,660	15,562	23
2008	14,260	10,027	4,233	33	21,158	2.11	4,470	16,688	21
2009	12,178	8,450	3,728	40	17,477	2.07	3,307	14,170	19
2010	12,316	8,463	3,853	38	17,179	2.03	3,210	13,969	19
2011	11,991	7,962	4,029	26	14,552	1.83	2,169	12,383	15
2012	12,778	7,720	5,058	21	15,148	1.96	2,652	12,496	18
Qtr									
1 - '13	2,951	1,695	1,256	25	3,815	2.25	796	3,019	21
2 - '13	3,577	2,042	1,535	21	3,501	1.71	650	2,851	19
3 - '13	3,826	2,104	1,722	20	4,076	1.94	710	3,366	17
4 - '13	2,603	1,486	1,117	24	3,629	2.44	663	2,966	18
2013	12,957	7,327	5,630	22	15,021	2.05	2,819	12,202	19
1 - '14	3,023	1,765	1,258	25	4,255	2.41	807	3,448	19
2 - '14	3,697	2,059	1,638	18	3,866	1.88	691	3,175	18
3 - '14	3,914	2,047	1,867	21	4,149	2.03	727	3,422	18
4 - '14	2,890	1,578	1,312	27	4,277	2.71	719	3,558	17
2014	13,524	7,449	6,075	22	16,547	2.22	2,944	13,603	18
1 - '15	3,158	1,899	1,259	27	4,160	2.19	817	3,343	20
2 - '15	3,555	1,969	1,586	21	4,205	2.14	854	3,351	20
3 - '15	4,237	2,275	1,962	17	4,909	2.16	970	3,939	20

**DOSH ON-SITE INSPECTIONS AND VIOLATIONS CITED
FOR MAJOR INDUSTRIAL GROUPS (BY SIC)
FROM JULY THROUGH SEPTEMBER 2015**

REASON FOR INSPECTIONS	AGRICULTURE*		MINERAL EXTRACTION		CONSTRUCTION		MANUFACTURING		TRANSPORT. PUBLIC UTILITIES		WHOLESALE TRADE		RETAIL TRADE		FINANCIAL REAL ESTATE		SERVICES		PUBLIC ADMIN.		TOTALS	
INSPECTIONS																						
Total	264	12%	52	2%	755	33%	331	15%	136	6%	63	3%	111	5%	19	1%	485	21%	59	3%	2275	
Accident	65		4		205		133		57		23		46		7		165		32		737	32%
Complaint	110		4		126		76		48		21		51		4		170		25		635	28%
Referral	22		1		157		13		6		5		4		3		32		1		244	11%
Follow-up	0		1		2		10		2		3		0		0		3		0		21	1%
Unprogrammed Related	14		2		136		21		14		7		3		5		38		1		241	11%
Programmed	53		40		129		78		9		4		7		0		77		0		397	17%
VIOLATIONS																						
Total	439		133		1448		1208		173		161		235		27		1041		44		4909	
Serious	67		12		304		320		28		48		36		5		142		8		970	
Other than Serious	372		121		1,144		888		145		113		199		22		899		36		3939	
Percent Serious	15.3%		9.0%		21.0%		26.5%		16.2%		29.8%		15.3%		18.5%		13.6%		18.2%		19.8%	

*Agriculture may include some inspections in Forestry & Logging; Fishing, Hunting & Trapping; and Support Activities for Forestry

**DOSH ON-SITE INSPECTIONS AND VIOLATIONS CITED BY REASON
FROM APRIL THROUGH SEPTEMBER 2015**

REASONS FOR INSPECTIONS	TOTAL INSPECTIONS	TOTAL INSPECTIONS WITHOUT VIOLATIONS CITED	TOTAL INSPECTIONS WITH VIOLATIONS CITED	PERCENT OF INSPECTIONS WITH VIOLATIONS CITED	TOTAL VIOLATIONS	SERIOUS VIOLATIONS	OTHER THAN SERIOUS VIOLATIONS	PERCENT SERIOUS
Total	2,275	595	1,680	73.85%	4,909	970	3,939	19.76%
Accident	737	183	554	75.17%	1,334	392	942	29.39%
Complaint	635	223	412	64.88%	1,273	152	1,121	11.94%
Referral	244	49	195	79.92%	339	69	270	20.35%
Follow-up	21	13	8	38.10%	7	2	5	28.57%
Unprogrammed Related	241	75	166	68.88%	348	80	268	22.99%
Programmed	397	52	345	86.90%	1,608	275	1,333	17.10%

allegations and 14 days in other cases. New language mandated by legislation in 2015 directs Cal/OSHA to prioritize investigations of accidents involving death or serious injury/illness and complaints of serious violations over non-serious complaints.

In Region 9 last year, Fed-OSHA conducted Rapid Response Inspections in just over 55% of the severe injury reports it received. The Feds issued citations for machine and lockout/tagout violations in more than half the cases.

Serious Injury Reports

FY15 Q2 - FY15 Q3 Inspections

Most Frequently Cited Standards*

General requirements for all machines	0.28
The use of hazardous energy (lockout/tagout)	0.25
Reporting work-related incidents to OSHA	0.15
OSHA Act General Duty Paragraph	0.1
Powered industrial trucks	0.1
Personal Protective Equipment - General Requirements	0.07
Mechanical power-transmission apparatus	0.06
Hazard Communication	0.06
Guarding floor and wall openings and holes	0.05
Electrical - General	0.04
Wiring methods, components, and equipment for general use	0.04
Duty to have fall protection	0.03
Woodworking machinery requirements	0.02
Walking Working Surfaces - General	0.02
Safety, training and education	0.02

Fed-OSHA charts

Two Workers Killed

Cal/OSHA is investigating workplace fatalities involving two workers in mid-February, one was crushed and the other under more mysterious circumstances.

Both incidents were on February 15. In the first instance, an employee of S W Forage, based in Hesperia, was crushed in a hay baler/compacter he apparently was operating.

The second incident was in West Hollywood involving an employee of MDB Management, based in Woodland Hills. Department of Industrial Relations public information officer Julia Bernstein said the worker died in a "fatal accident," but the only details on the episode are that the worker was found unconscious at a construction site and died later at a nearby hospital.

Inspections and Violations Up for the First Half of 2015

Statistics released by Cal/OSHA about its onsite inspections and violations during the first half of 2015 indicate that the full-year totals could be the highest in about five years. The statistics come some eight months after the end of the period.

The projected totals are still a far cry from the 1990s when Cal/OSHA issued 25% more citations than in recent years.

The increase appears to support Cal/OSHA's recent – and public - efforts to rebuild the Cal/OSHA inspection staff.

For the first six months of 2015, Cal/OSHA says that it conducted 3,868 onsite inspections. Employers were cited for 8,365 violations. Cal/OSHA is issuing more serious violations. The half-year total is 1,671 about 20% of all violations.

Serious violations, so far, show an increase of 10% over 2014.

The half-year trends in accident, complaint-related and programmed inspections all were up. Accident-related inspections were on a pace for 2,350; complaints, 2,080, and programmed (surprise) inspections, 1,860.

Construction inspections are trending up, while services show large increases across the board, among the largest industrial groups. Many of the other individual sectors show decreases in both inspections and violations.

Extrapolation

There are no guarantees these extrapolations will hold, but we wanted to provide some caparisons for your own analysis.

If we do the math, ignoring holidays and other interferences, and extrapolate by a simple doubling of total inspections, the full year totals would be 7,736. If that works out – and it may be a big if — it would be the highest number of such inspections since 2011, when there were 7,962. In 2014, Cal/OSHA conducted 7,449 inspections.

Insofar as extrapolating issued cites goes, a full year comes out to 16,730, the highest since 2010's 17,179. In

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2014, Cal/OSHA cited employers for 16,547 violations.

Serious violations issued extrapolate out to 3,342, which would be the highest number since 2008 when there were 4,407. DOSH issued 2,944 serious violations in 2014.

And as veteran Cal/OSHA watchers know, the number of cites and serious violations, in the end, do not project the legal outcomes in a system where most cites are negotiated down to sometimes meaningless fines. And where serious violations – the ones that don't make headlines — are settled for far less than the original proposal.

Preliminary Data: Complaints Received in State Fiscal Year 2015

Type of Complaint		Total Number
Imminent Hazard		155
Serious	Formal	287
	Non Formal	365
Non Serious	Formal ¹	1377
	Non Formal	6510

Preliminary Data: Inspections Opened in State Fiscal Year 2015

Type of Inspection	Total Number	Percent of All Inspections (%)	Percent Not in Compliance (%)	Percent with Serious, Willful, or Repeat Violations (%)
Complaint	1989	27	64	13
Accident	2304 ²	31	74	36
Referral ³	617	8	63	74
Unprogrammed-related ⁴	710	9	61	26
Programmed	1789	24	77	23
Follow-up	96	1	16	8

DOSH On-Site Inspections and Violations Cited, Major Industrial Groups, January-June 2015

	On-Site Inspections	Accident Related	Complaint Related	Programmed Inspections	Total Alleged Violations	Alleged Serious	% Alleged Serious
Agriculture	321	107	109	64	601	128	21%
Mineral Extraction	140	10	4	115	198	23	12%
Construction	1,310	311	224	364	2,409	503	21%
Manufacturing	618	233	134	168	2,349	596	25%
Transportation/ Public Utilities	176	77	65	19	319	54	17%
Wholesale Trade	102	52	27	11	264	40	15%
Retail Trade	186	70	96	4	377	66	18%
Financial/ Real Estate	38	5	17	3	28	4	14%
Services	880	269	318	182	1,741	254	15%
Public Admin.	97	41	46	0	79	3	4%
Totals	3,868	1,175	1,040	930	8,365	1,671	20%

Source: DOSH Program Office

CEA's Safety Excellence Winners

PLEASANT HILL – The Construction Employers Association completed its safety awards for 2015. It honored almost half its membership with Excellence in Safety Awards. The 100-plus-member organization recognized top-tier safety programs in January.

Excellence in Safety winners achieved a total injury and illness incidence rate at least 25% below the industry average, a lost-workday rate at least 25% below the average, an X-Mod below 1.0, and a flat or decreasing X-Mod trend and demonstration of an active safety training program.

The President's Safety Awards metrics include incident and lost-workday rates at least 50% below the industry average, an X-Mod below .70, a comprehensive training program or qualification in Cal/OSHA's Voluntary Protection Program. Qualifying for a President's award automatically confers recipients with an Excellence in Safety Award.

Awards were presented to 47 of CEA's 107 member companies at a recent luncheon. Following are the winners; Asterisks

denote President's Award winners.

- Alten Construction
- *Balfour Beatty Construction
- BBI Construction
- BCCI Builders
- BNBT Builders
- *Bradley Concrete
- Build Group
- *C. Overaa & Co.
- Cahill Contractors
- Charles Pankow Builders
- *Clark Construction Group-California
- Clark Pacific
- Devcon Construction
- Dome Construction
- *DPR Construction

During the public hearing, occupational medicine physician Linda Morse told the board that revisions are warranted. She recalled treating a carpenter who was severely ill from wood dust exposure. He had been seen by other physicians during the previous decade, and had noted his exposure to wood dust, but “nobody made a connection to his occupational exposure and his health problems,” Morse said.



Linda Morse: Wood dust disease must be more visible to healthcare providers.

She expressed hope that the revised PELs will prevent future illnesses and make the issue more visible to healthcare providers.

California’s CFOI saw three more incidents of violence from the preliminary incident; three more slips, trips or falls; and one more incident of contact with objects or equipment. There were three fewer transportation incidents.

See our accompanying charts for data on the final tally. The 334 fatalities were the fewest since 326 in 2010, the depth

Final California CFOI Count Shows One of Lowest Fatality Totals Ever

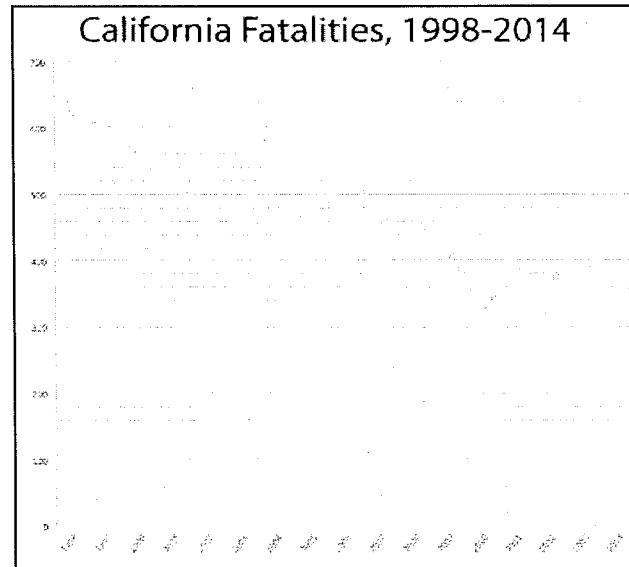
The final spring revise of the Census of Fatal Occupational Injuries (CFOI) shows the lowest workplace fatality rate for California since the tally began in the early 1990s. It has one of the lowest numerical totals too.

Starting this year, CFOI will no longer have a fall fatality estimate, followed by the spring revise. Instead, there will be one announcement in December of each year with firm statistics.

The census is conducted by state-plan states such as California and the federal Bureau of Labor Statistics. Fatality statistics are considered the most reliable workplace injury and illness data because it’s hard to hide a dead body.

Fatalities (as well as serious injuries) are required to be reported to agencies such as the Division of Occupational Safety and Health, with sizable potential penalties for failure to report or late reporting. Injuries are not always reported.

For the calendar year 2014, DOSH says the final fatality total was 344, up ten from the preliminary total of 334, about 3%.



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of the “Great Recession,” and the second lowest since CFOI became an official statistic in 1992. As a reference, workplace fatalities were routinely in the 600s in the late 1990s and only hit the 500s once after 2001, as our charts demonstrate.

Latino Decrease

As we reported last year in the preliminary 2014 count, Latino fatalities saw a sharp decrease, and the final count confirms that trend. The percentage stayed at the 38% originally projected, although the count was slightly up, from 127 to 130. But that tally was still far lower than the 2013 final count of 194 (49% of the total).

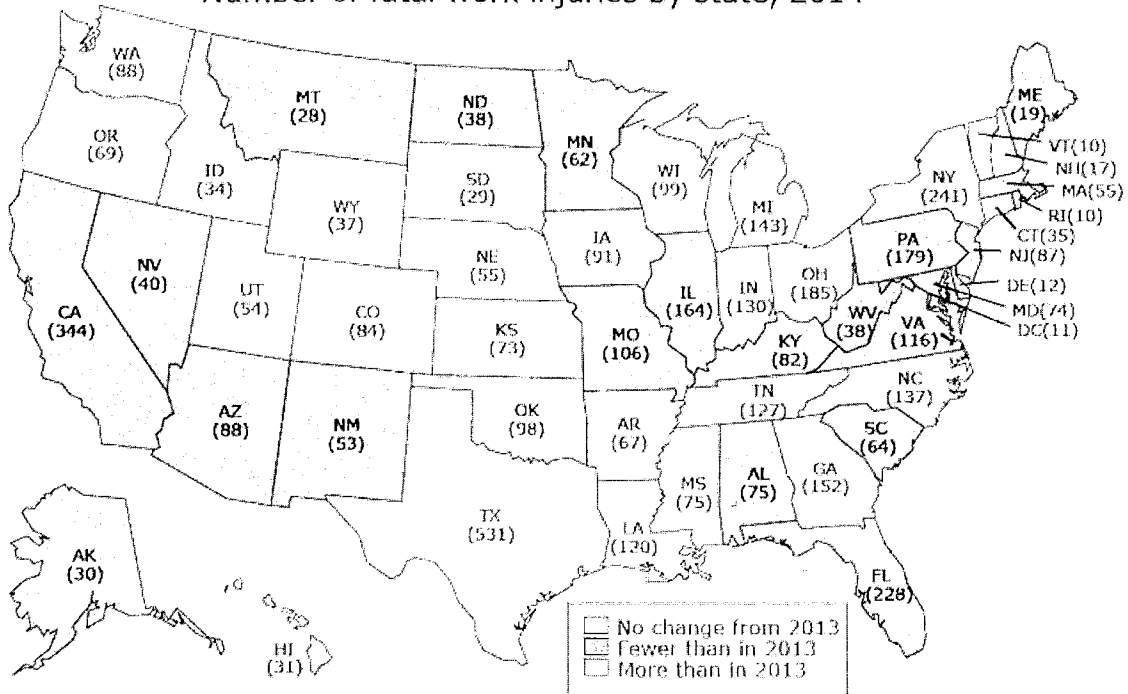
The number of Caucasian employees who died on the job rose a bit in the revise, to 155, 45% of the total, the highest among the ethnicities.

The CFOI results vary from the preliminary count

2014 California Fatalities by Industry, Final Totals							
	Total	Violence	Transportation Incidents	Fires and Explosions	Falls, Slips, Trips	Harmful Exposure	Contacts w/Objects & Equipment
All Sectors	344	75	119	3	72	34	38
Agriculture, Forestry & Fishing	27	5	14	n/a	n/a	n/a	4
Natural Resources & Mining	28	5	14	n/a	n/a	n/a	4
Construction	49	3	8	n/a	23	10	5
Manufacturing	20	5	6	n/a	n/a	n/a	5
Trade, Transportation & Utilities	92	18	48	n/a	9	6	9
Wholesale Trade	9	n/a	n/a	n/a	n/a	n/a	4
Retail Trade	17	9	n/a	n/a	4	n/a	n/a
Transportation & Warehousing	65	6	44	n/a	5	5	3
Financial Activities	11	5	3	n/a	3	n/a	n/a
Professional and Business Services	55	15	11	n/a	16	7	6
Administrative and Waste Services	44	9	10	n/a	14	5	6
Educational & Health Services	15	n/a	7	n/a	4	n/a	n/a
Leisure & Hospitality	15	7	n/a	n/a	3	3	n/a
Accommodation & Food Services	13	6	n/a	n/a	3	3	n/a
Other Services	20	7	n/a	n/a	3	n/a	7
Government	38	8	18	n/a	7	n/a	n/a

N/A=no data reported or not available

Number of fatal work injuries by state, 2014



Twenty-eight states had counts showing more fatal injuries in 2014 than in 2013. Nineteen states and the District of Columbia had fewer fatal workplace injuries in 2014 compared to 2013. Three states saw no change between the two years.

Data for all years are revised and final. Source: U.S. Bureau of Labor Statistics, 2016.

as new cases are identified and previous cases are revised as source documents become available.

The final revision shows that transportation incidents, as is traditionally true, account for a large percentage of California workplace fatalities, in this case, more than one-third (35%). Violent acts accounted for another 22%, and 21% were attributable to slips, trips, and falls.

Nationally, the final 2014 CFOI count was the highest since 2008, 4,821, up from the preliminary 4,679. The rate was 3.4 per 100,000 full-time equivalent employees. The California rate for 2014 was much lower, at 2.0.

Board Denies Petition on LOTO Exception – Could Reduce Safety

WALNUT CREEK – The Cal/OSH Standards Board has denied a petition by the California League of Food Processors (CLFP) to exempt plug and cord-connected electrical equipment completely from the state’s lockout/tagout standard.

What is the reason for the denial? It could undermine safety, both the board and the Division of Occupational Safety and Health agreed.

CLFP’s Rob Neenan petitioned the Standards Board to make an exception in General Industry Safety Orders §3314 applicable to the entire standard, not just the two provisions currently available.

Not only that, he suggested that Cal/OSHA adopt the entire federal LOTO standard verbatim, arguing that it’s much easier for employers to understand.

CLFP learned about the problem from members who read a case review *Cal-OSHA Reporter* published in 2015.

In *Syar Industries*, the administrative law judge upheld a violation of the standard, §3314(g)(1)(B), although he reduced an \$18,000 penalty to \$5,400.

DOSH cited the employer after a worker was seriously injured while cleaning a horizontal bandsaw. Syar contended that because the bandsaw was cord and plug-connected equipment, the operation was not required to comply with subsections (g) and (h), which cover hazardous energy control procedures and group lockout/tagout, respectively.

The exception applies only to subsections (c) and (d), which include cleaning, servicing and adjusting operations, and repair and setup operations if the plug is under the exclusive control of the employee working on the equipment. The exception didn’t apply here, even though it was a cleaning operation, because DOSH cited Syar under subsections (g) and (h).

Food processors have various pieces of equipment that could be affected by a more comprehensive application of the cord and plug provision, Neenan said.

The organization believes that DOSH has been misinterpreting the exception and asked the Standards Board to remove ambiguity

from the exception and by inserting the federal language.

That standard, 29 CFR 1910.147(a)(2)(iii)(A), applies to the entire federal LOTO standard. The exception applies to: “Work on cord and plug connected electric equipment for which exposure to the hazards of unexpected energization or startup of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the servicing or maintenance.”

CLFP went as far as to suggest that Cal/OSHA replace the entire California LOTO standard with the federal version. The Standards Board rejected both ideas.

“Excluding cord and plug connected equipment from the requirements of Section 3314 hazardous energy control standards would reduce the present level of safety protections,” the decision states. It also said it is not a good idea to replace the standard with the federal LOTO language because the state standard and related energy control requirements “go beyond” Fed-OSHA.

DOSH agrees. “The additional protection is necessary as cord and plug equipment encompasses a wide variety of machinery, many of which expose employees who work on the equipment to serious hazards,” its opinion states. “Because it may be easier to control hazards on cord and plug equipment does not nullify the need for safe work procedures and practices.”

DOSH also opined that the California exception is “clear and easily understandable. There are no possible changes which would make the scope of the exception more comprehensible.”

Tree Service Cited in Trimmer’s Death

An employee’s failure to properly tie off his fall protection while trimming a tree in Humboldt County last year cost him his life. Now his employer, Wright Tree Service of the West, faces serious violations by Cal/OSHA in the case. The employer is being held responsible for what the employee did.

The agency seeks more than \$31,000 in penalties.

The employer will also suffer the consequences of an increased experience mod as a result of this death and three years of significantly increased workers’ comp premiums.

The employee, foreman Kenneth A. Williams, was working from a bay laurel tree, using a flip-line lanyard to secure himself. But the safety line was attached at only one point of the tree, instead of the required two. Williams cut the line with his chainsaw, and he fell more than 50 feet to his death.

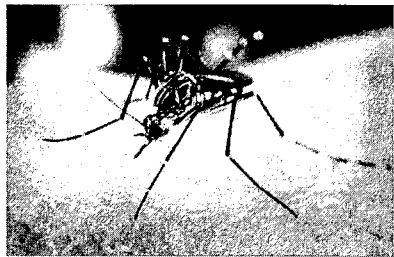
The Division of Occupational Safety and Health cited Wright for an alleged serious, accident-related violation of General Industry Safety Orders §3425(a)(7), with a \$25,000 proposed penalty. The safety order states that tree workers “shall use a second point of attachment such as a work-positioning lanyard or double-crotched rope when operating a chainsaw in a tree.” Employers are exempted from the requirement if they can show that complying with the

James Deen Productions, for allegedly failing to require condoms on set and allowing employees to be exposed to STDs. It is seeking almost \$78,000 in penalties in that case. The Deen investigation was contentious – the employer refused to provide Cal/OSHA with requested documents and forced DOSH to obtain a warrant to inspect the worksite.

and work buildings with air conditioning and window and door screens.

Mosquito Threat to Business Safety

After a moderately wet winter, California is entering mosquito season. That means vigilance against not only the West Nile virus, which has proven deadly in this state but, too, the Zika virus, which infected a Sonoma County woman in March. It was the first confirmed case of the virus in California.



CDC photo

The Aedes aegypti mosquito, one of two species that carries the Zika virus.

The woman was not infected by a mosquito, but by her partner, who had just returned from a country where Zika is active. The virus is also transmitted through sexual contact. It is not deadly, but pregnant women can transmit the virus to their fetuses, leading to neurological conditions such as the birth defect microcephaly.

As with West Nile, most people who are infected won't even experience symptoms, and if they do, they will be mild, such as fever, a rash, joint pain or redness in the eyes. It's the threat to developing fetuses that is of most concern. The virus is transmitted by yellow fever (pictured) and Asian tiger mosquitoes. Of the 22 cases of Zika reported in California, all have been from travelers; none has been mosquito-borne here.

About half the cases occurred in San Diego and Los Angeles counties.

Employers should ensure their outdoor workers protect themselves. The California Department of Public Health recommends:

- Using insect repellants containing DEET, picaridin, IR3535, oil of lemon eucalyptus or para-menthane-diol to protect workers. Pregnant and breastfeeding women should use only EPA-registered repellents.
- Wearing long-sleeved shirts and long pants.
- Keeping mosquitos out of offices

2015 Inspections, Violations on Track for Sizable Increases

Statistics on Cal/OSHA onsite inspections and the alleged violations resulting from those inspections are significantly up for the first three-quarters of 2015. The stats support the inference that full-year results will show the most violations resulting from visits into California business operations in several years.

The number of inspections and violations will still be far behind those of a half a decade ago or more.

During the first nine months of 2015, Cal/OSHA conducted more than 6,100 onsite inspections at California worksites, the highest number since at least 2012, and issued citations for more than 13,000 violations, 20% of them characterized as serious. If that percentage holds true for all of 2015, it will represent the highest percentage since 2008.

Our accompanying charts show the three-quarter-year results for all major industrial sectors, plus comparisons with the same periods in past years.

The citations, including serious violations cited, do not predict the results of the actual cases, which most often are settled out, often for pennies on the dollar.

[Click here](#) to see our recent coverage of inspection trends.

Comparable Three-Quarter-Year Results, Prior Years				
	Onsite Inspections	Total Alleged Violations	Serious Violations	% Serious
2015	6,143	13,274	2,641	20%
2014	5,871	12,270	2,225	18%
2013	5,841	11,392	2,156	19%
2012	6,101	11,470	2,005	17%

DOSH On-Site Inspections and Violations Cited, Major Industrial Groups, January-September, 2015							
	On-Site Inspections	Accident Related	Complaint Related	Programmed Inspections	Total Alleged Violations	Alleged Serious	% Alleged Serious
Agriculture	585	172	219	117	1,040	195	19%
Mineral Extraction	192	14	8	155	331	35	11%
Construction	2,065	516	350	493	3,857	807	21%
Manufacturing	949	366	210	246	3,557	916	26%
Transportation/ Public Utilities	312	134	113	28	492	82	17%
Wholesale Trade	165	75	48	15	425	88	21%
Retail Trade	297	116	147	11	612	102	17%
Financial/Real Estate	57	12	21	3	55	9	16%
Services	1,365	434	488	259	2,782	396	14%
Public Admin.	156	73	71	0	123	11	9%
Totals	6,143	1,912	1,675	1,327	13,274	2,641	20%

Source: DOSH Program Office

Most Cited, Most Appealed Safety Orders of 2015

The Injury and Illness Prevention Program standards for general industry and construction accounted for 30% of the most cited Title 8 Safety Orders in 2015. IIPP violations rank in the top three of the most-cited regulations.

In fact, the top five such standards remained the same as 2014, although the number of violations Cal/OSHA issued is up.

Meanwhile, the most appealed standard of the year was a regulation on point-of-operation guarding. Employers appealed it almost three-quarters of the time. It was not part of the most-cited list, however.

The agency cited the general industry IIPP standard nearly 2,000 times last year, tops among all standards. The number represented a 13% increase over 2014. It cited the construction IIPP standard more than 1,200 times, the third-most cited regulation and an 18% rise. Heat illness prevention violations ranked number two on the 2015 list, at 1,769, an increase of 11%.

The top five, was rounded out by the lock-out/tagout standard, which rose in number by more than 20%; and failure to report fatalities or serious injuries, which increased 14%.

2015's top 25 most-cited standards accounted for 10,926 alleged violations, an increase of 1,424 over the previous year – 15%. Four of the standards on the latest list did not appear on the 2014 list – LVESO §2500.8, non-permitted uses of flexible cords and cables; GISO §4650, storage and handling of compressed gases; GISO §3400, medical services and first aid; and GISO §4070, protection of abrasive wheels.

Most Appealed

GISO §4184, covering guarding points of operation and other hazardous parts of machinery, was the most appealed standard, at 73.3%, with 101 alleged violations. Half of the top 10 most appealed citations were also among the most cited. They include the LOTO standard, GISO §3314, the fourth most-cited standard; the fatality/serious injury reporting standard; tables saw requirements (§4300.1); abrasive wheels; and guarding belts and pulley drives (§4070).

The accompanying charts show the top 25 and most appealed, plus their relevant statistics.

Ten Most Appealed Title 8 Standards During CY 2015

Standard	Description	Total Violations	Percent Appealed
4184	Points of Operation and Other Hazardous Parts of Machinery, Guarding	101	73.3%
342	Reporting Work Fatality or Serious Injury	537	70.9%
4070	Belt and Pulley Drives, Guarding	137	70.1%
4300.1	Table Saws (Manual Feed)	146	68.5%
4002	Moving Parts of Machinery and Equipment	118	66.1%
3578	Permissible Abrasive Wheel Exposure, for Periphery Grinding	120	65.8%
3577	Use, Care, and Protection of Abrasive Wheels: Protection Devices	142	64.8%
1644	Metal Scaffolds	123	64.2%
3314	Clean, Repair, Service, Set-up and Adjust Prime Movers, Machinery and Equipment	667	63.9%
5157	Permit-Required Confined Spaces	98	60.2%

Twenty-Five Most Frequently Cited T8 CCR Standards in CY 2015

Standard	Description	Total Violations	Serious Violations	Percent Serious
3203	Injury and Illness Prevention Program	1946	130	6.7%
3395	Heat Illness Prevention	1769	121	6.8%
1509	Construction Injury and Illness Prevention Program	1239	42	3.4%
3314	Clean, Repair, Service, Set-up and Adjust Prime Movers, Machinery and Equipment	667	230	34.5%
342	Reporting Work Fatality or Serious Injury	537	1	0.2%
5194	Hazard Communication	449	19	4.2%
5144	Respiratory Protection	402	23	5.7%
6151	Portable Fire Extinguishers	382	1	0.3%
461	Permits to Operate Air Tanks	362	2	0.6%
1512	Construction: Emergency Medical Services	327	6	1.8%
3276	Portable Ladders	323	87	26.9%
3668	Powered Industrial Truck Operator Training	267	21	7.9%
2340.16	Work Space About Electric Equipment	253	3	1.2%
5162	Emergency Eyewash and Shower Equipment	232	68	29.3%
3650	Industrial Trucks: General Requirements	230	63	27.4%
3328	Safe Practices, Personal Protection: Machinery and Equipment	198	50	25.3%
1670	Personal Fall Arrest Systems, Personal Fall Restraint Systems and Positioning Devices	176	125	71.0%
3457	Field Sanitation	151	10	6.6%
2500.8	Flexible Electrical Cords and Cables: Uses Not Permitted	151	3	2.0%
1527	Washing Facilities, Food Handling and Temporary Sleeping Quarters	151	1	0.7%
4300.1	Table Saws (Manual Feed)	146	107	73.3%
4650	Compressed Gas and Air Cylinders: Storage, Handling, and Use	145	37	25.5%
3400	Medical Services and First Aid	144	0	0.0%
3577	Use, Care, and Protection of Abrasive Wheels: Protection Devices	142	52	36.6%
4070	Belt and Pulley Drive, Guarding	137	100	73.0%

Note: "Serious" includes Serious, Willful, and Repeat Violations

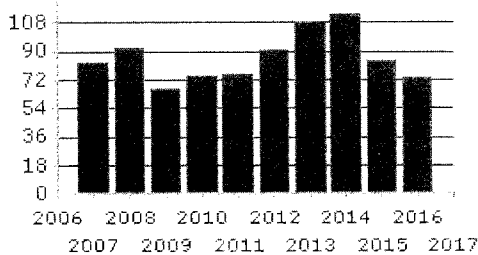
conditions. Both violations come with \$750 penalties each.

Phillips 66: A programmed inspection by Cal/OSHA's Process Safety Management Unit resulted in citations for 22 violations, including six serious, last year. The Division sought \$85,865 in penalties, but the Texas-based refining company will pay less than half of that – \$30,850.

One violation, for failing to establish written testing procedures to ensure employee competence was withdrawn “based on further review and a re-evaluation of the evidence supplied” by the employer and the \$15,300 penalty was eliminated.

Another \$15,000 penalty also was eliminated when DOSH withdrew a citation for failing to guard screw sets on shafts. And another guarding violation saw its penalty reduced by more than half when DOSH reduced it to a general violation based on the evidence Phillips presented. The settlement reduces a \$22,000-plus penalty by more than two-thirds after being reclassified. The violation was for failure to cover hot pipes with thermal insulating materials.

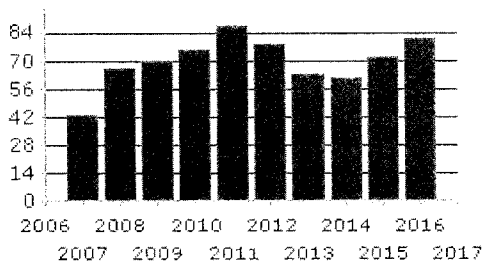
But the settlement almost doubles a penalty for failing to ensure that relocatable power taps were not used in wet or damp locations (from \$3,825 to \$7,000).



Phillips 66's X-Mod Graphic from Compline

Petersen-Dean Roof & Solar: A settlement on fall protection case preserves a repeat-serious violation for this Irvine-based employer, but halves the penalty from \$54,000 to \$27,000. In all, Petersen-Dean will pay \$29,815 of a proposed \$59,620.

The inspection was based on a referral. The main cited violation was under CSO §1731(c)(1), which requires that all employees performing work on a sloped roof are protected from falling. The employer agreed to the repeat violation in exchange for the reduced penalty.

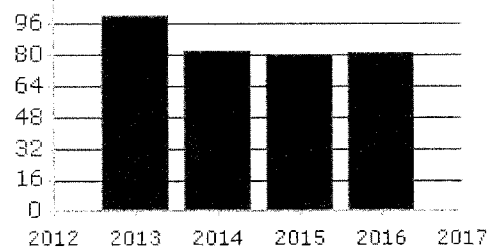


Peterson Dean's X-Mod Graphic from Compline

Ren Lei Construction: Another referral inspection resulted in citations for more than two dozen violations and more than \$90,000 in penalties to this San Francisco employer. Among the citations, including 10 serious, was a repeat violation for failing to provide railings on a scaffold.

But all but one of the serious violations saw reduced or eliminated penalties, and Ren Lei will pay only \$12,900 of the proposed \$90,350.

The settlement affirms the repeat-serious violation of CSO §1640(b)(4) but reduces the \$21,600 penalty to \$4,050 “upon further review” of the employer’s IIPP and abatement documents.



Ren Lei's X-Mod Graphic from Compline

Wood Decking/Advantage Lumber: Cal/OSHA inspected this employer based on a complaint and issued citations for 11 violations, including a willful-serious for failing to guard part of a miter saw.

The Division discovered during the inspection that an employee suffered a serious injury by using the saw, so it issued the willful, with a \$70,000 proposed penalty. It also slapped the employer with a regulatory violation of §342(a) for failing to report the injury.

The settlement upholds both violations. The penalty for the willful was reduced to \$38,430 by stipulation; the reporting penalty remains \$5,000.

How Does California Stack Up Against the Country on Fatalities?

As our recent story on the latest workplace fatality statistics shows, California had the second-highest number of fatalities in the country. But does that mean that our state is more dangerous than others?

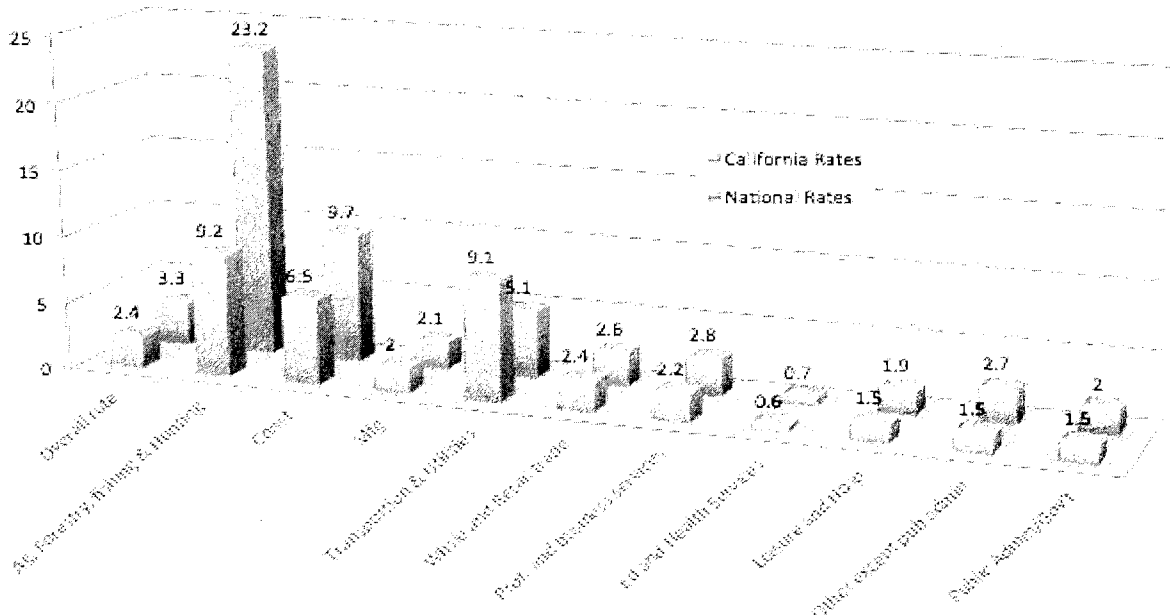
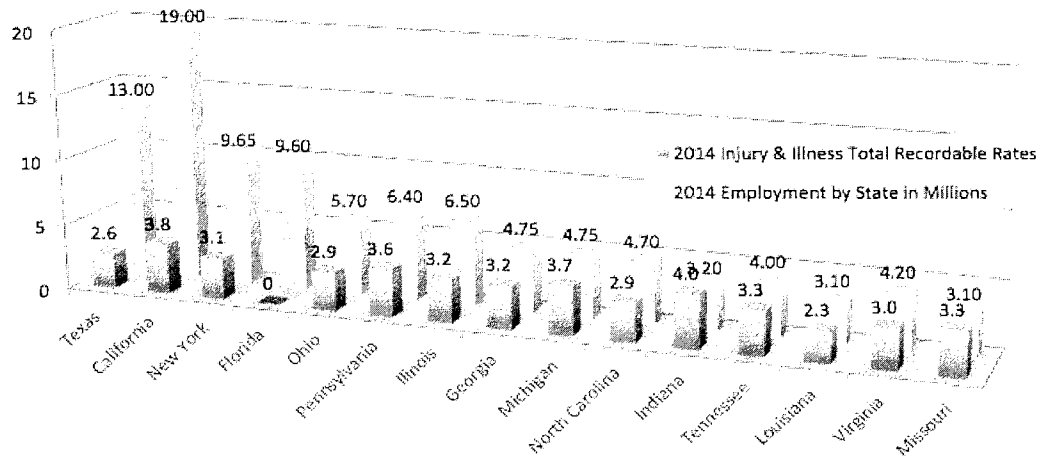
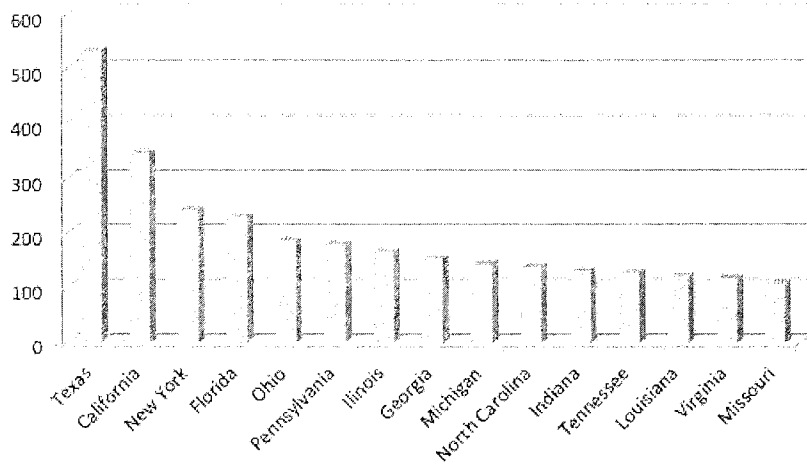
Not according to a deeper analysis of data collected by the Census of Fatal Occupational Injuries (CFOI). California has by far more employees than any other state at about 19 million – almost 50% more than the next largest

state, Texas.

And its workplace fatality rate is the second lowest in the nation, at 2.0 per 200,000 worker hours. The lowest rate for 2014, the latest year for which statistics are available, was for Massachusetts, at 1.7. Conversely, Wyoming saw a whopping 13.1 rate in 2014, and North Dakota suffered almost 10 fatalities per 200,000 worker hours.

The accompanying charts show how California performs versus other states and Fed-OSHA. Quite well, actually. The occupational fatality rate of 2.0 measures workplace deaths per 100,000 workers. And despite rising employment, fatalities have been generally trending down since the mid-2000s. They spiked up a bit as employment started rebuilding as the recession eased, al-

2014 Workplace Fatalities by State



most reaching the low of 326 achieved in 2010. That figure was largely due to depressed employment.

One chart shows states with at least 100 workplace fatalities in 2014, with the corresponding fatality rates. As you can see, California is only exceeded by Texas in the number of fatalities, but had the best results of this group on fatality rate.

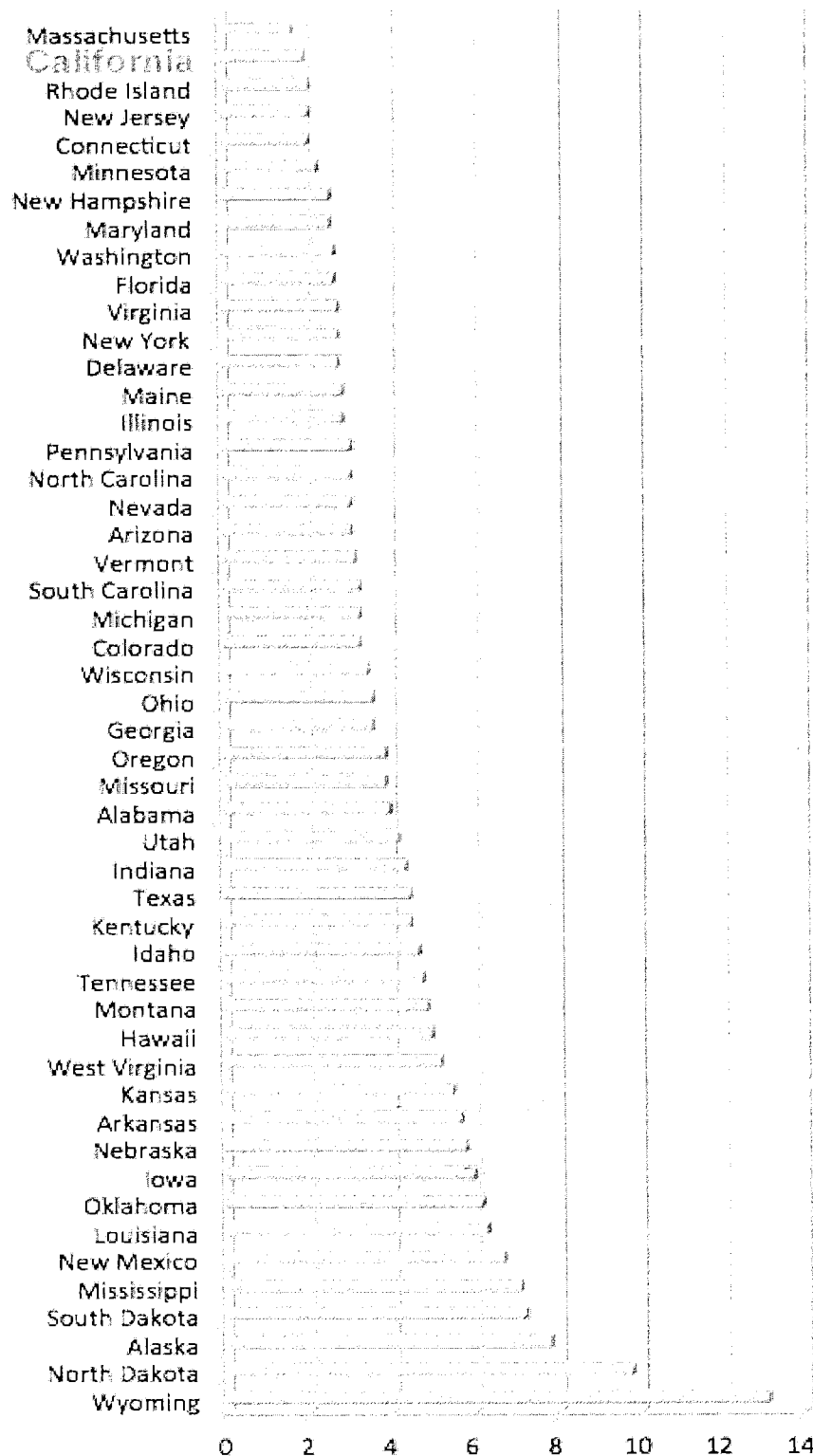
We also contrasted total employment for those 15 states, with their 2014 total injury and illness recordable rates (TRR). In that measure, California was among the highest, at 3.4 per 200,000 worker hours. California ranked 31st among all states on TRR. The highest in the nation was Maine, at 5.3; the lowest was Louisiana, at 2.0. Having a higher injury rate does not correspond to fatality rate, as demonstrated by California (a 2.0 fatality rate versus a 3.4 TRR), and Maine (2.9 versus 5.3).

Another of our charts shows California's performance on fatalities versus Fed-OSHA for 2013, the latest year for which comparable data is available. We outperformed the nation in 10 out of 11 industrial sectors, the exception being transportation and utilities, where our rate was a whopping 9.1 in 2013, versus 5.1 nationally.

The final chart shows the 2014 fatality rates for all 50 states and graphically demonstrates our performance on fatalities, contrasted with smaller states with much fewer residents and employees.

In many cases, California outperforms both the nation as a whole and other states on fatality, injury and illness prevention.

National Fatality Rates, 2014



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Since 1973

Wood Products Industry Rips Cal/OSHA Wood Dust PEL Proposal

Representatives of wood products manufacturers are demanding the Cal/OSH Standards Board send a proposed revision back to the drawing board. It's all about the permissible exposure limit for wood dust and Western Red Cedar.

The reasons? Manufacturers say studies indicating that the proposal is not feasible were ignored. They say it could economically affect far more California businesses than the Division has estimated.



Terry Webber, American Wood Council: A PEL of less than 2 ppm is infeasible.

The public comments on the proposal were a bit unusual: The board gave the regulated public an extra month to comment after industry complained that the proposal blindsided it. Advisory committee work on the PEL was complete in 2010, and it was only this year that a formal proposal was made.

The proposal recommends:

- Lowering the PEL for wood dust from 5 milligrams per cubic meter of air to 1 total particulate mass, as an eight-hour, time-weighted average;
- Lowering the PEL for Western Red Cedar from 2.5 mg/M³ to 0.5;
- Lowering the short-term exposure limit for wood dust from 10 mg/M³ to 5.

In justifying the significant PEL drop, DOSH asserts that a significant proportion of affected enterprises are already in compliance with the full-shift PEL. It says that "far fewer" businesses may not be in compliance, and the cost impact would be "minimal."

But Terry Webber, director of state governmental affairs for the American Wood Council, told the board at the May meeting that the council believes no change in the PEL is warranted. He says that in any case, a PEL of less than 2 ppm is infeasible because would force many workers to wear respirators, contrary to the hierarchy of controls.

Consultant Dan Leacox argued that the DOSH proposal and

Wood Dust PEL continued on page 11482

Employee Falls in a Deep Trench

A San Diego construction worker suffered a serious fall in a deep trench on May 23, necessitating a lengthy rescue effort. The employee suffered a leg injury in the incident.

According to a local newspaper report, the employee was working from a ladder in the 40-foot trench and fell several feet. Emergency responders needed to attach a rescue basket to a pulley system, which they lowered down to the man, then pulled him out of the trench. It took the team some 40 minutes to extract him. The man is employed by Peter Ross Waterproofing.

Cal/OSHA is investigating the incident.

The agency also is investigating a May 18 incident that nonetheless appears to be from natural causes. An employee of Sun System Technology was working to service a rooftop solar system at a private residence in Fullerton when he suffered an apparent heart attack and died.

Cal/OSHA Set for a Slight Raise in Governor's Revised Budget

Cal/OSHA will receive a small increase for the 2016-17 fiscal year under the state budget proposed by Gov. Jerry Brown.

The budget for Cal/OSHA, including the Division of Occupational Safety and Health and the Standards and Appeals boards, would total \$146,445,000 under the May Revise. It breaks down like this:

- \$138,471,849 earmarked for DOSH
- \$5,257,151 for the Appeals Board
- \$2,716,000 for the Standards Board.

The budget overall for the Department of Industri-

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- Job Openings

It is 5,535 days since our last lost-time accident.

al Relations is proposed for \$641,400,000, a 2% increase from the current budget.

The Cal/OSHA figure represents about a 1% increase over the current-year budget. More than \$100 million of the funding comes from the Occupational Safety and Health Fund and grants from Fed-OSHA. The split this year is \$76,248,000 from the OSH Fund; an estimated \$36 million from the Feds (last year's award was about \$26 million) and the rest from various sources.

The OSH Fund figure represents a 7% increase from this fiscal year's \$70,948,000, but DIR budget analyst Greg Edwards says it's still too early to tell if assessments on employers' workers' comp premiums will go up. As we reported in December 2015, assessments actually went down for 2016. Edwards tells *Cal-OSHA Reporter* that the assessments are influenced by the state economy, not the budgeted fund. "The cost per employer has been going down," he says.

Other sources of Cal/OSHA budgetary funds include employer user fees to fund the Elevator and Pressure Vessel units, the Uninsured Employers Benefits Trust Fund, reimbursements for services provided by Cal/OSHA (such as licenses and certifications) and the Labor and Workforce Development Trust Fund. See the accompanying chart for the breakdown of individual contributions to the Cal/OSHA budget.

The Uninsured Employers Benefits Trust Fund is a "historical allocation" (pre-OSH Fund) designed to help insulate Cal/

OSHA from general fund cuts. The agency no longer receives money from the general fund.

The \$146 million-plus proposed for the Cal/OSHA program equals 743.7 authorized positions. Edwards says that if you total up the personnel in all three branches of Cal/OSHA, the number comes close to the authorized positions. Regarding safety and health inspectors, DOSH "COSHOS" (compliance safety and health officers) number around 200 and if you combine elevator and pressure vessel inspections, the total is about 300, he adds.

Cal/OSHA To Adopt Fed 'Nudge' Rules on Electronic Injury Reporting

Earlier this month Fed-OSHA announced the finalization of a new rule that requires many employers to submit injury and illness records electronically – data that will be made public. OSHA Administrator Dr. David Michaels said that the rule is designed to "nudge" employers to prevent work injuries by publicizing the data.

Now Cal/OSHA is following suit. The Feds are requiring state-plan states such as California to adopt the provisions, and Steve Smith, manager of the Division of Occupational Safety and Health Research and Standards-Health Unit, said at the May Standards Board meeting that the Division will begin work on its version of the regulation.

DOSH will oversee the rulemaking effort because the Standards Board does not have jurisdiction. The Cal/OSHA regulations covering injury and illness record are contained in Division of Labor Statistics and Research Regulations §14300, and DOSH handles the rulemaking for that small unit.

Many times when Cal/OSHA adopts a federal regulation, it will use the Horcher process, a streamlined approach that adopts federal language verbatim, but Smith tells *Cal-OSHA Reporter* that this rulemaking will be done through the regular process, presumably with a public hearing. There is no timeline for the adoption, but state plans have a six-month deadline to adopt from the federal effective date; in this case, it is January 17, 2017.

DIR-Cal/OSHA Budgets			
	2014-15	2015-16	2016-17*
DIR	\$458,674,000	\$628,030,000	\$641,400,000
Cal/OSHA Program	\$123,628,000	\$144,686,000	\$146,445,000
Cal/OSHA subtotals:			
Elevator Safety Account	\$22,858,000	\$28,253,000	\$24,722,000
Pressure Vessel Account	\$4,894,000	\$4,599,000	\$5,426,000
Uninsured Employers Benefits Trust Fund	\$2,414,000	\$2,495,000	\$2,560,000
Federal Trust Fund	\$31,660,000	\$36,405,000	\$36,077,000
Reimbursements	\$147,000	\$562,000	\$562,000
Labor and Workforce Development Trust Fund	\$775,000	\$850,000	\$850,000
Occupational Safety and Health Trust Fund	\$60,322,000	\$70,948,000	\$76,248,000

*Governor's proposed budget

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