

Key Performance Statistics for Cal/OSHA

July – December 2016

1) DOSH Program Office – October 18, 2016

- DOSH inspections and violation from January 1992 through March 2016
- DOSH on-site inspections and violations by major industrial groups, January-March 2016
- DOSH on-site inspections and violation cited by reason, January-March 2016

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

- “Huge High Hazard Industry List is Doubled,” (July 22nd)
- “More 2015 Cal/OSHA Inspection Data,” (July 29th)
- “High Hazard List by NAICS Code,” (August 19th)
- “Inspection & Cites Increasing,” (September 16th)
- “Cal/OSHA Inspections Up Again in First Quarter 2016, Violations Too,” (November 11th)
- “Drop X-Mods & DART Rates with High Hazard Consultation,” (November 18th)
- “Cal/OSHA’s Renewed PEL Committee to Meet,” (December 2nd)
- “BOI Referrals Holding Steady, but Prosecutions Steadily Declining,” December 2nd)
- “Governments Have More Injuries,” December 9th)

Compiled by Garrett Brown, December 16, 2016

**DOSH INSPECTIONS AND VIOLATIONS CITED BY QUARTER
FROM JANUARY 1992 THROUGH MARCH 2016**

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
2013	12,957	7,327	5,630	22	15,021	2.05	2,819	12,202	19
Qtr									
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
4 - '15	3,035	1,611	1,424	22	5,079	3.15	1,049	4,030	21
2015	13,985	7,754	6,231	22	18,353	2.37	3,690	14,663	20
1 - '16	3,375	1,871	1,504	23	5,166	2.76	1,096	4,070	21

**DOSH ON-SITE INSPECTIONS AND VIOLATIONS CITED
FOR MAJOR INDUSTRIAL GROUPS (BY SIC)
FROM JANUARY THROUGH MARCH 2016**

REASON FOR INSPECTIONS	AGRICULTURE*		MINERAL EXTRACTION		CONSTRUCTION		MANUFACTURING		TRANSPORT, PUBLIC UTILITIES		WHOLESALE TRADE		RETAIL TRADE		FINANCIAL REAL ESTATE		SERVICES		PUBLIC ADMIN.		TOTALS	
INSPECTIONS																						
Total	110	6%	65	3%	557	30%	308	16%	103	6%	66	4%	99	5%	20	1%	491	26%	52	3%	1871	
Accident	37		4		183		117		46		41		39		3		147		15		632	34%
Complaint	43		2		116		76		38		16		51		11		144		30		527	28%
Referral	4		0		46		7		2		0		6		0		17		3		85	5%
Follow-up	2		3		3		13		1		0		0		0		5		0		27	1%
Unprogrammed Related	15		2		87		18		11		7		2		5		28		4		179	10%
Programmed	9		54		122		77		5		2		1		1		150		0		421	23%
VIOLATIONS																						
Total	364		83		1435		1274		313		154		218		43		1199		83		5166	
Serious	102		14		305		321		57		41		35		16		192		13		1096	
Other than Serious	262		69		1,130		953		256		113		183		27		1007		70		4070	
Percent Serious	28.0%		16.9%		21.3%		25.2%		18.2%		26.6%		16.1%		37.2%		16.0%		15.7%		21.2%	

*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 JANUARY THROUGH MARCH 2016**

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	1,871	479	1,392	74.40%	5,166	1,096	4,070	21.22%
Accident	632	131	501	79.27%	1,613	457	1,156	28.33%
Complaint	527	165	362	68.69%	1,185	184	1,001	15.53%
Referral	85	24	61	71.76%	358	91	267	25.42%
Follow-up	27	20	7	25.93%	11	3	8	27.27%
Unprogrammed Related	179	63	116	64.80%	399	95	304	23.81%
Programmed	421	76	345	81.95%	1,600	266	1,334	16.63%

Huge High Hazard Industry List Is Doubled

Cal/OSHA's 2016-17 High Hazard Industry List has been super-sized over last fiscal year's list: It has more than doubled in industry sectors, from 20 to 42, and in employees affected, from about 600,000 in 2015-16 to more than 1.2 million for the coming year.

And will affect three times as many establishments – about 61,000, versus some 20,000 in the previous period. These jumps are in spite of the fact that the target DART rate has not changed in three years, at 4.2. DART, stands for Days Away, Restricted Duty or Transfer concerning injured workers.

DOSH uses the High Hazard List to target employers for programmed inspections. Cal/OSHA Consultation Service also uses the list to reach out to such employers with its services. An industry sector must have an aggregate DART rate at least 200% of the national average to make the list. This year's list features 42 industry sectors, some 60,792 establishments, representing 1,225,858 employees.

The 2015-16 list had no sector with a DART rate higher than 6.8. The new list has six sectors with that rate or higher, and a top DART rate of 12.7, in agricultural implement manufacturing. That sector includes 120 establishments representing 3,361 employees. Other extremely high rates were in oilseed and grain farming (11.6; 719; 3,328) and non-veterinary pet care services (10.1; 1,435; 9,420).

Each of the sectors on the new high-hazard list had a DART rate above the 4.2 target.

The largest sectors on the list include nursing and residential care facilities (4.4 DART; 8,490 establishments; 275,299 employees); hotels and motels, excluding casinos (4.3; 5,247; 201,050); "other general merchandise stores" (4.4; 2,823; 140,480); and residential building construction (6.5; 18,311; 94,369).

The 2016-17 list includes eight industries that were on the previous year's list, and they are familiar names. They include:

- Animal production and aquaculture
- Framing contractors
- Animal slaughtering and processing
- Soft drink and ice manufacturing
- Other furniture related product manufacturing
- Air transportation
- Couriers and messengers
- Waste management and remediation services

DOSH is exempting several other sub-sectors of high hazard industries because they have DART rates below the 4.2 target. Others are exempted because they meet the requirements of the Federal Appropriations Act.

Major Changes to Refinery Safety

Cal/OSHA Publishes PSM Reforms

Almost four years after a catastrophic and nearly fatal explosion and fire at the Chevron Richmond refinery sparked a statewide effort toward greater safety, Cal/OSHA has formally proposed a major overhaul of its Process Safety Management regulation for refineries.

The proposal is now in a comment period that ends September 15th with a public hearing. Cal/OSHA's proposal is one of two regulatory initiatives resulting from the 2012 Chevron incident: The California Accidental Release Program (CalARP) also has proposed reforms.

Cal/OSHA is breaking new ground in several areas. Many of the reforms come from recommendations from the federal Chemical Safety and Hazard Investigation Board (CSB), which investigated the incident.

CSB wanted Cal/OSHA to go even farther in remaking the PSM regulation (General Industry Safety Orders §5189), advocating the "safety case model," in which regulators have broad influence over whether or not a refinery can operate and is much more resource-intensive.

But the state Department of Finance said this approach is "not considered a reasonable alternative," noting that it would require 10 Cal/OSHA inspectors for each of the state's 14 refineries. A state interagency task force assembled after the Chevron disaster decided on new requirements that they believe could significantly enhance refinery safety. The new system includes:

- Requiring refineries to adopt "inherently safer" systems to the greatest extent feasible;
- Mandating periodic safety culture assessments in facilities;
- Incorporating "damage mechanism" hazard reviews into process hazard analyses. Damage mechanism studies look at processes that result in equipment failure or material degradation;
- Conducting root-cause analyses after safety incidents or material releases;
- Accounting for human factors and organizational changes as they relate to safety; and
- Using layers of protection analyses to ensure the proper safeguards are in place.

Root Cause Analysis

Authorities determined that the Chevron incident occurred because thinning pipes – subject to sulfidation – were allowed to remain in place for years after engineers recommended they be replaced. The Division of Occupational Safety and Health cited Chevron for numerous violations in connection with the incident and proposed nearly \$1 million in penalties.

Major Changes *continued on page 11517*

More 2015 Cal/OSHA Inspection Data

The Division of Occupational Safety and Health has released inspection and violations statistics for the first three quarters of 2015, and it appears that the apparent upward trend for both is holding.

As we reported in February, Cal/OSHA inspections and violations cited are likely to see a five-year high when the 2015 data is complete. Through the end of September 2015, the Division had conducted 6,143 on-site inspections and issued 13,274 violations, 20% of which were classified as serious.

For all of 2014, there were 7,449 on-site inspections, 16,547 violations, of which 18% were considered serious.

DOSH conducted more than 2,000 inspections in the construction industry through the first nine months of last year. About 25% of them were accident-related. The agency issued citations for 3,857 alleged violations, with a serious rate of 21%. Construction saw the most inspections and violations of any industrial sector.

But transportation/public utilities, with fewer than half of the inspections than construction, had almost as many violations – 3,557. DOSH cited serious violations in this sector at a rate of 26%, the highest of all the major industrial groups.

The services industry experienced 1,365 inspections and was cited for 2,782 alleged violations, third highest in this period. But the industry's serious rate was among the lowest of all the groups, at 14%.

Complete-year information is not yet available for Cal/OSHA inspections and violations in 2015, but we'll bring you the final totals when they become available.

Committee to Explore Greater Safety for Utility Pole Climbers

Although Cal/OSHA does not completely agree with the regulatory solution proposed by a former Cal/OSHA inspector to prevent devastating falls by utility pole climbers, it does agree that current requirements might not be adequate.

It is Scott McAllister, recently retired after many years with the Division of Occupational Safety, who brought the issue to the forefront. He convinced the Cal/OSH Standards Board to authorize an advisory committee to study the deficiencies he pointed out.

McAllister petitioned the board to revise the Telecommunication and Electrical safety orders. He wants to require the use of both a positioning and fall arrest systems when employees are using elevated portable platforms to work from poles. He filed the petition after learning about a utility worker who had been severely injured while demonstrating how to use a platform. He fell 25 feet when he leaned back to tension the positioning system and the platform's rope broke.

But in their evaluations, both DOSH and Standards Board staff said that having an effective primary fall protection system is superior to having a "back-up to an ineffective primary fall protection system."

DOSH believes the solution is to revise High Voltage Electrical Safety Orders §2940.6(b) and Telecommunications Safety Orders §8615(g) to state that, "Fall protection anchorages, personal fall arrest systems, personal fall restraint systems, and positioning devices shall meet the requirements" of Construction Safety Orders §1670.

Board staff concurs. McAllister's petition "to mandate redundant systems is unnecessary and may create unforeseen hazards, such as tripping, lanyards getting caught, etc.," it opines.

Staff also noted that its research of the issue discovered that no consensus standard exists that specifies the design, performance, inspection and testing requirements for these platforms. Additionally, it found that employees at times tie off to the platform railings, which is contrary to manufacturers' instructions. Staff believes it's time to review the adequacy of current fall protection requirements for these devices.

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	14	425	88	21%
Retail Trade	297	116	147	15	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

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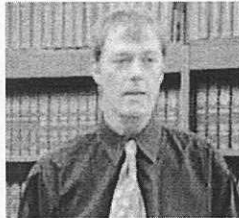
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Movers and Shakers

Alliance Roofing Names Steven Johnson ESH Director

San Jose, California Steven Johnson has been named Corporate Environmental Safety and Health Director for Alliance Roofing, based in San Jose. Johnson previously was safety director for Condon Johnson & Associates in Oakland, and was safety director for the Association of Roofing Contractors of the Bay Area Counties, based in Walnut Creek. Source: Cal-OSHA Reporter



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Cal/OSHA Names Keating and Schmidt to New Positions

Oakland, California Cal/OSHA's Division of Occupational Safety and Health has named Garrett Keating, Ph.D. as its new toxicologist in the Research and Standards Occupational Health Unit. Keating has training in biology and environmental toxicology and extensive research experience, according to the agency, and has been assigned to coordinate rulemaking on updating the Title 8 permissible exposure limits for airborne contaminants. The agency also has named Nathan Schmidt as assistant chief counsel in charge of the Cal/OSHA Legal Unit and Bureau of Investigations. Schmidt previously worked in the Legal Unit of the Director of Industrial Relations. He has extensive experience in administrative hearing practice, rulemaking and writ litigation, says Division Chief Juliann Sum. Source: Cal-OSHA Reporter

Nevada Department of Business And Industry Announces Changes

Carson City, Nevada The Nevada Department of Business and Industry has announced changes at the Real Estate Division and Division of Insurance, effective August 18: Joseph (JD) Decker has been appointed as administrator. He assumes the position held previously by Gail Anderson, who has been named deputy commissioner of the Division of Insurance. Decker has more than 25 years of experience in government, military and private sector leadership and management. Decker most recently served as deputy commissioner for the Nevada Division of Insurance where he managed compliance and enforcement functions and implemented a strong culture of superior customer service and process improvement. Gail Anderson has over 16 years of public and private sector management experience. She was initially appointed as administrator of the Real Estate Division (RED) in 2002 and served in other capacities, including deputy director of the Department of Business and Industry before being reappointed as RED administrator. As deputy



INDUSTRY GROUP	NAICS	INDUSTRY	DART	Establishments	Employees	APPROXIMATE CA CLASS CODE
AGRICULTURE	1111	Oilseed and grain farming	11.6	719	3,328	0171
	1112	Vegetable and melon farming	5	923	33,377	0172
	112	Animal production and aquaculture	5.6	2,585	28,140	0038(1)
CONSTRUCTION	23611	Residential building construction	6.5	18,311	94,369	5403
	23813	Framing contractors	6.1	702	16,382	5403
	23814	Masonry contractors	7.4	1,185	10,455	5201
MANUFACTURING	3112	Grain and oilseed milling	4.4	91	4,198	2014(1)
	3113	Sugar and confectionery product manufacturing	5	195	5,901	2030
	311423	Dried and dehydrated food manufacturing	4.4	60	3,587	2102, 2109
	311514	Dry, condensed, and evaporated dairy product manufacturing	4.6	35	1,018	2063
	31161	Animal slaughtering and processing	6.1	321	21,500	2081
	31183	Tortilla manufacturing	5	116	6,510	2003
	31199	All other food manufacturing	5.5	269	11,633	6504
	31211	Soft drink and ice manufacturing	6.2	180	12,369	2163
	321918	Other millwork (including flooring)	4.5	138	2,993	2842
	3252	Resin, synthetic rubber, and artificial synthetic fibers and filaments manufacturing	5.3	156	3,382	4558
	32739	Other concrete product manufacturing	4.6	125	5,023	4034
	3312	Steel product manufacturing from purchased steel	4.7	80	2,570	3030, 3400, 3620(2), 3039
	3314	Nonferrous metal (except aluminum) production and processing	4.5	89	2,708	3066
	331511	Iron foundries	4.9	27	775	3081
	331523	Nonferrous metal die-casting foundries	5.8	28	947	3085
	332313	Plate work manufacturing	7	100	1,402	3620
	332323	Ornamental and architectural metal work manufacturing	6.8	246	3,188	3400
	3326	Spring and wire product manufacturing	6.3	135	3,069	3257
	33311	Agricultural implement manufacturing	12.7	120	3,361	3507
	334514	Totalizing fluid meter and counting device manufacturing	5.8	26	854	3685
	3351	Electric lighting equipment manufacturing	5.3	282	7,141	3180
	3352	Household appliance manufacturing	6.6	66	1,803	3570
	3366	Ship and boat building	4.5	116	7,598	6834
	33711	Wood kitchen cabinet and countertop manufacturing	4.8	799	8,716	2812
	3372	Office furniture (including fixtures) manufacturing	5.9	409	7,984	2883, 3076(1)
	3379	Other furniture related product manufacturing	5.4	144	4,201	2570, 3300
	4529	Other general merchandise stores	4.4	2,823	140,480	8039
	481	Air transportation	7	506	43,946	7410, 7403, 7405
	485	Transit and ground passenger transportation	4.3	1,864	40,745	7382, 7365, 7133
	492	Couriers and messengers	5.9	1,709	62,412	7231
	56173	Landscaping services	4.3	7,883	82,176	0042
	562	Waste management and remediation services	4.9	2,034	46,329	9403(1), 9424
623	Nursing and residential care facilities	4.4	8,490	275,299	8829	
71392	Skiing facilities	5.7	23	3,519	9184	
72111	Hotels (except casino hotels) and motels	4.3	5,247	201,050	9050(1)	
81291	Pet care (except veterinary) services	10.1	1,435	9,420	8831	
EXCEPTIONS	Will not be targeted; DARTs below 200% average					
	1124	Sheep and goat farming	N/A	91	465	0034(2)
	1129	Other animal production	2.7	362	2,304	
	331221	Rolled steel shape manufacturing	N/A	18	315	3018, 3027
	33141	Nonferrous metal (except aluminum) smelting and refining	N/A	9	80	1438
	4812	Nonscheduled air transportation	1.8	241	3,455	
	562112	Hazardous waste collection	2.7	75	3,871	
	6232	Residential intellectual and developmental disability, mental health, and substance abuse facilities	3.2	2,443	45,010	9070, 8823, 9085
	6239	Other residential care facilities	3	783	14,300	9070

May be exempt if industries meet requirements of Federal Appropriations Act (CPL 02-00-051)

NAICS	INDUSTRY	
311221	Wet Corn Milling	2014(1)
311224	Soybean and Other Oilseed Processing	4683(1)
325211	Plastics Material and Resin Manufacturing	4558
335110	Electric Lamp Bulb and Part Manufacturing	4111
335129	Other Lighting Equipment Manufacturing	3180
335210	Small Electrical Appliance Manufacturing	3570
335228	Other Major Household Appliance Manufacturing	N/A
337920	Blind and Shade Manufacturing	N/A
481211	Nonscheduled Chartered Passenger Air Transportation	N/A
481212	Nonscheduled Chartered Freight Air Transportation	N/A
485320	Limousine Service	N/A

Inspections & Cites Increasing

Cal/OSHA inspections have reached the highest level in five years and violations cited are the highest since 2008, according to data released by the agency. Serious violations also reached the highest percentage since 2008.

Cal/OSHA conducted more than 7,700 onsite inspections last year. About a third of them were in response to workplace accidents, followed by complaints and programmed (planned) inspections. These are against some 550,000 California businesses, several thousand dangerous enough to potentially create injuries.

The inspections led to more than 18,000 citations for alleged violations, the most since the more than 21,000 violations alleged in 2008. And serious violations comprised 20% of the violations, though still far short of Fed-OSHA goals for the state. Nonetheless, serious violations were the highest percentage since 2008's 20%.

Cal/OSHA has been working to rebuild its inspection force since it was severely curtailed during the Great Recession and subsequent state budget cuts. That effort is backed up by the latest inspection statistics, although they are still nowhere close to results from the late 2000s.

Construction by far received the most onsite inspections

	On-Site Inspections	Total Violations	Serious Violations	Percent Serious
2015	7,754	18,363	3,690	20%
2014	7,449	16,547	2,944	18%
2013	7,327	15,021	2,819	19%
2012	7,720	15,148	2,652	18%
2011	7,962	14,552	2,169	15%
2010	8,463	17,179	3,210	19%
2009	8,450	17,477	3,307	19%
2008	10,027	21,158	4,470	21%
2007	9,259	20,222	4,660	23%
2006	8,583	19,789	4,765	24%

in 2015, at more than 2,500, a third of the total. It was followed by the services industry (more than 1,700) and manufacturing (1,200-plus). Construction also was on the receiving end of the most citations, at more than 5,500,

followed by manufacturing, at almost 4,700, and services at more than 3,800 alleged violations.

Manufacturing had the highest percentage of serious violations, at 26%. The lowest was public administration – 8%.

Appeals Board's New OASIS System Goes On Line October 3

Being at the receiving end of a Cal/OSHA citation is never a pleasant experience for California employers. Having to go through the appeals process is often necessary, but often tedious. A new online system developed by the Cal/OSH Appeals Board becomes operational October 3rd can't help with the former, but is designed to make the latter more efficient and easier to manage.

The OSHAB Appeals Scheduling and Information System (OASIS) is the culmination of a three-and-one-half-year effort to bring the board into the computer age. It will allow employers to file their appeals online, upload appeals documents, keep up to date on the status of their case and receive email notifications about developments.

"It should be way more efficient," says Neil Robinson, the board's presiding administrative law judge and the driving force behind the new system. "There should be less paper."

At present, most everything the board does is on paper. Employers send their appeals in on paper, and case files are kept in a room at the board's headquarters stuffed (in an orderly fashion) with case files. The board maintains three years of cases and the older files are sent off site. "We're very good at managing paper," says Lee Berlin, operations manager for the Sacramento headquarters.

Cal-OSHA Reporter has maintained a summary of every single case since the first one in 1972. They are online and available to premium subscribers.

The board has to be good at managing paper to be to keep everything straight. The Division of Occupational Safety and Health issues citations for thousands of violations every year and a large percentage of the cited employers appeal them. As an example of the antiquated system now in use, Berlin says employees must hand-count docketed cases each month, sorting them by the assigned ALJs.

	On-Site Inspections	Accident Related	Complaint Related	Programmed Inspections	Total Alleged Violations	Alleged Serious	% Alleged Serious
Agriculture	701	222	259	121	1,511	280	19%
Mineral Extraction	262	17	8	219	446	45	10%
Construction	2,577	702	444	586	5,512	1,157	21%
Manufacturing	1,246	457	256	359	4,696	1,228	26%
Transportation/ Public Utilities	401	174	149	33	716	134	19%
Wholesale Trade	207	98	61	17	571	126	22%
Retail Trade	378	155	181	12	824	132	16%
Financial/ Real Estate	74	22	27	3	88	15	17%
Services	1,714	572	572	336	3,818	560	15%
Public Admin.	194	87	90	0	171	13	8%
Totals	7,754	2,506	2,047	1,686	18,363	3,690	20%

Source: DOSH Program Office

Cal/OSHA Inspections Up Again in First Quarter 2016; Violations Too

First-quarter statistics for the Division of Occupational Safety and Health show that it conducted more total inspections than any other comparable quarter in at least five years, the second-most onsite inspections in that period and issued by far the most citations for alleged violations.

The first-quarter stats showed the second-most onsite inspections since 2011; only 2015 had more for the comparable period.

The Division also issued the most alleged serious violations, although the serious rate still far below what Fed-OSHA believes it should be.

The statistics portend a continued rise in inspections and resulting violations cited. As our accompanying chart shows, DOSH conducted the highest number of inspections in the first quarter of this year in construction, followed by services and manufacturing.

Construction also led in alleged violations, followed by manufacturing, then services. The highest percentage of violations classified as serious in the first quarter was in financial/real estate, at 37%, followed by wholesale trade (27%), then manufacturing (25%).

Construction stuck to the average of serious violations, 21%.

Accident-related inspections continued to be the leading source of Cal/OSHA investigations, followed by complaints, then programmed (surprise) inspections.

DOSH Inspections and Violations, Comparable First-Quarter Statistics

	Total Investigations	On-Site Total Inspections	Alleged Violations	Alleged Serious	% Alleged Serious
2016	3,375	1,871	5,166	1,096	21
2015	3,158	1,899	4,160	817	20
2014	3,023	1,765	4,255	807	19
2013	2,951	1,695	3,815	796	21
2012	2,796	1,742	3,876	715	18
2011	2,608	1,847	3,202	332	10


DOSH On-Site Inspections and Violations Cited, Major Industrial Groups, January-March 2016

	On-Site Inspections	Accident Related	Complaint Related	Programmed Inspections	Total Alleged Violations	Alleged Serious	% Alleged Serious
Agriculture	110	37	43	9	364	102	28%
Mineral Extraction	65	4	2	54	83	14	17%
Construction	557	183	116	122	1,435	305	21%
Manufacturing	308	117	76	77	1,274	321	25%
Transportation/Public Utilities	103	46	38	5	313	57	18%
Wholesale Trade	66	41	16	2	154	41	27%
Retail Trade	99	39	51	1	218	35	16%
Financial/Real Estate	20	3	11	1	43	16	37%
Services	491	147	144	150	1,199	192	16%
Public Admin.	52	15	30	0	83	13	16%
Totals	1,871	632	527	421	5,166	1,096	21%

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Fines ARE increasing and specific steps must be taken *before* you send people in.

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Drop X-Mods & DART Rates with High Hazard Consultation

High-hazard employers have experienced a 30% decrease in their X-Mods and a similar rate for the days away, restricted duty and transfers (DART) rate, after working with the Cal/OSHA Consultation Service, says Eugene “Gene” Glendenning, Consultation Manager.

Glendenning reported the results at the recent Cal/OSHA Advisory Committee meeting in Oakland. Glendenning should know – he helped create the metrics for the high-hazard program, back in the early 1990s.



Gene Glendenning,
Cal/OSHA Consultation manager

Each year, the Division of Occupational Safety and Health publishes a list of the highest-hazard employers and DART rates for their industries. DOSH uses the list to target employers for inspection, while Consultation uses it to reach out to at-risk employers for proactive intervention.

Enforcement inspections routinely result in citations often leading to penalties in the tens of thousands of dollars.

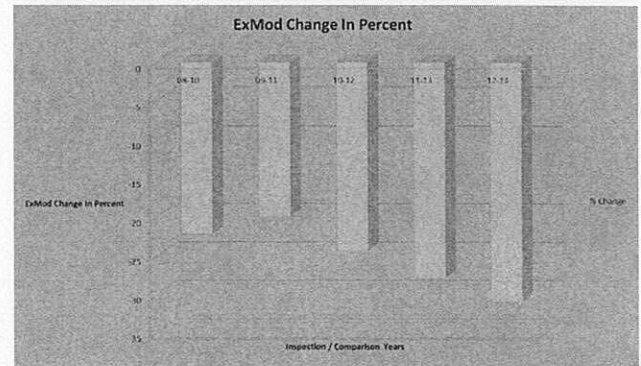
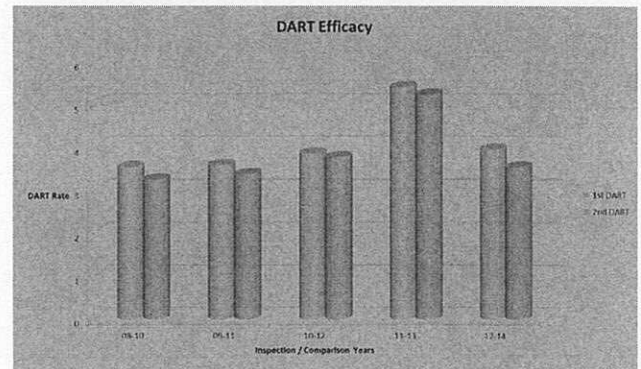
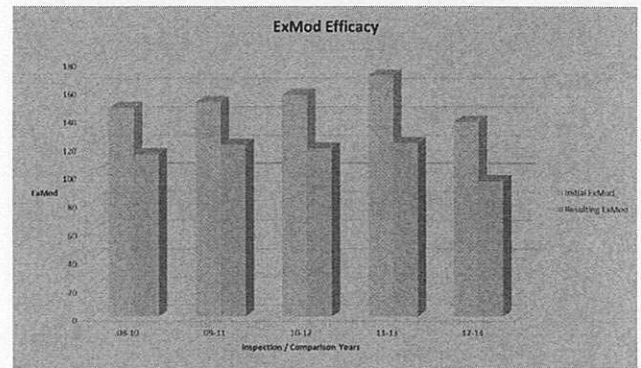
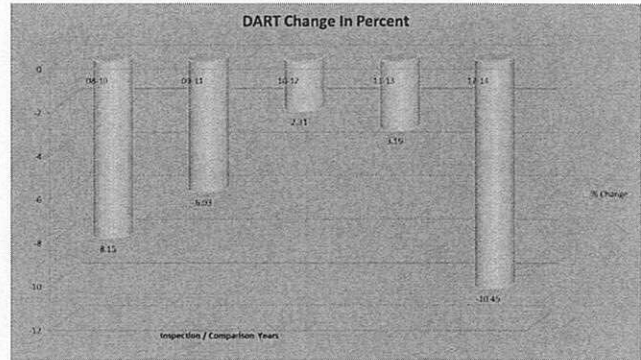
Consultation interventions, Glendenning says, result in significant reductions in employer X-Mods (also known as experience modification factors) and DART rates.

Consultation’s message to high-hazard employers? “Your rates are through the roof,” he says. The data showing the improvement in metrics following Consultation intervention comes from comparing pre- and post- workers’ comp data, Glendenning says, and Log 300 data. “A survey requesting this Log 300 data is mailed to the employers receiving consultative assistance,” he tells *Cal-OSHA Reporter*. “Employers are required to keep Log 300 data for five years.”

Those eligible for high-hazard Consultation services are learning that the service’s primary area of emphasis for this year is agriculture, construction, wineries/breweries, temporary help services, metal manufacturing, nursing and residential care, tree trimming, industries with a high amputation rate and communication tower work. Consultation also looks at industries with lockout/tag out, aerosol transmissible disease and confined space hazards.

From 1994 through 2015, more than 22,000 employers received onsite consultative assistance, and more than 133,000 violations have been corrected. About a third of those violations, according to Glendenning, were classified as serious.

The accompanying charts are from the Consultation Service demonstrating the results of its high-hazard efforts.



Cal/OSHA's Renewed PEL Committee To Meet

More than four years after it last met, the Division of Occupational Safety and Health's reconstituted Health Effects Advisory Committee meets December 6 to get back down to business.

The first order of business? There will no longer be a two-track committee, one to discuss proposed permissible exposure limits for chemicals, and the other to discuss feasibility and economic impact. The new HEAC, as it's known, will handle both.

The previous committee structure, which met from the mid-2000s to 2012, was designed to eliminate controversies about proposed PELs and their impact on the employer community. But that effort proved controversial itself, and that, along with personnel shortages within DOSH, saw the effort put on its four-year hold.

The upcoming committee meeting will go over the new ground rules and set hash out the science of a proposed PEL work. DOSH has named 12 people as HEAC members (the list follows). HEAC members, who will serve two-year terms, are chosen for their expertise in toxicology, epidemiology, occupational medicine and industrial hygiene. They are being required to announce any conflicts of interest related to substances under consideration for new or revised PELs.

HEAC will meet quarterly, DOSH says. The committee will hash out the science of a proposed, and discuss with interested parties the feasibility and impact of the proposals.

The substances on HEAC's priority list are those for which there is evidence of a serious potential hazard not adequately addressed by existing regulations, a substantial change in the value of an existing PEL that could "contribute to increased protection of workers," DOSH says, and the degree to which the substance is used in California.

The committee meets at 10:30 a.m. at the Harris State Building

in Oakland, second floor, room 2. For more information, contact DOSH Staff Toxicologist and committee chair Garrett Keating at gkeating@dir.ca.gov; 510-286-6874.

Here are the new HEAC members:

Michael Bates, MS, PhD, U.C. Berkeley (epidemiology)

Eric N. Brown, DrPH, CIH, CSP, Tri Alpha Energy, Irvine (industrial hygiene)

Michael N. Cooper, MS, MP, CIH, Mcooperconsulting, Eagle, Idaho (industrial hygiene)

Will Forest, MPH, Santa Cruz County Department of Public Health (epidemiology/toxicology)

Robert Harrison, MD, MPH, U.C. San Francisco (occupational medicine)

Sarah Janssen, MD, PhD, MPH, Kaiser Permanente, San Francisco (occupational medicine)

Linda Morse, MD, FACOEM, Kaiser Permanente (retired), San Francisco (occupational medicine)

Patrick Owens, MSPH, CIH, Shell Oil Martinez Refinery (industrial hygiene)

Kent E. Pinkerton, PhD, U.C. Davis (toxicology)

Howard B. Spielman, CIH, CSP, Health Science Associates, Los Alamitos (industrial hygiene)

Mark Stelljes, PhD, SLR International Corp., Martinez (toxicology)

James L. Unmack, MSEE, PE, CIH, Unmack Corp., San Pedro (industrial hygiene)

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Subscription and Fulfillment	Stephanie Jakubowski

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BOI Referrals Holding Steady, but Prosecutions Steadily Declining

The latest report by Cal/OSHA's Bureau of Investigations shows that in 2015 it initiated more than 200 cases, the highest number since 2006 when it opened 234 cases.

But the report also shows that the number of cases BOI refers to district attorneys is less than half those in 2006, and those prosecuted are half of those from a decade ago.

D.A.s declined to file charges most of the time because there had been no serious violations alleged by Cal/OSHA. In one-quarter of the referred cases decided in 2015, the D.A.s found insufficient evidence to charge employers. And many times, the prosecuting authorities simply let the statute of limitations lapse.

Fatality cases make up the vast majority of BOI referrals. A handful of cases involving serious injuries to one to four workers is referred, although many years BOI recommends no such cases, as the accompany chart shows. The bureau has not recommended a serious exposure case since 2004, but representatives of the Division of Occupational Safety and Health request prosecution of employers each year, sometimes in double digits. These are known as "BOI Discretionary" cases.

DOSH BOI Investigations, 2004-2015

Year	Cases Opened					
	Total	Fatality (H)	>5 Serious Injuries (I)	1-4 Serious Injuries (J)	Serious Exposure (K)	Requested by DOSH Rep (L)
2015	201	190	1	8	0	2
2014	184	171	0	12	0	1
2013	200	189	0	6	0	5
2012	162	152	0	0	0	10
2011	189	185	0	0	0	4
2010	161	155	0	0	0	6
2009	159	154	0	0	0	5
2008	183	174	0	0	0	9
2007	191	174	0	1	0	16
2006	234	226	0	5	0	3
2005	186	177	0	0	0	9
2004	222	206	0	3	0	13

BOI directs accident investigations involving fatalities or serious injuries or illnesses to five or more employees. It also reviews inspection reports on serious injuries to fewer than five employees and has the discretion to start its potential criminal investigations into these cases, also part of the BOI Discretionary jurisdiction.

As of December 31, 2015, BOI had 158 investigations in progress, including cases carried over from previous years. It referred 21 fatality cases during the calendar year.

The fatality cases BOI referred for prosecution in 2015 included:

Big Valley Labor/Bavaro, Inc.: One worker killed, another seriously injured when a tank they were welding exploded.

Growers Street Cooling: Employee killed attempting to clear a jam in a palleting machine.

CHK Manufacturing USA: Employee was pulled into an extruding machine.

Sierra Pacific Industries: A worker was tangled in equipment.

U.C. Berkeley: A window cleaner was killed when a scissor lift he was working from toppled.

Aerojet Rocketdyne: Employee cutting rocket propellant was killed when it exploded.

Basalite Concrete Products: Employee fell into an auger.

Disney Construction: Two workers killed when a personnel platform attached to a crane topples.

San Marcos Construction: A worker was on a rolling scaffold almost 12 feet from the floor when he fell backward off the scaffold as the company owner was moving it.

Maggiore and Ghilotti: Worker was crushed by a pipe.

Oldcastle Precast: Wire ties around

Referred to D.A.s by Total	Cases Rejected by D.A.s						Cases Pending D.A. Decision			Cases Charged			Cases Closed		
	H	I	J	K	L	D.A.s	Decision	D.A.s	Total	No Serious Violations	Insufficient Evidence				
25	21	0	3	0	1	11	32	7	160	120	40				
21	19	0	2	0	0	15	24	9	188	119	69				
29	27	0	0	0	2	6	27	14	136	102	34				
26	24	0	0	0	2	10	18	12	170	147	23				
13	11	0	0	0	2	14	14	8	142	116	26				
14	13	0	0	0	1	11	25	9	94	75	19				
25	24	0	0	0	1	15	30	16	184	122	62				
34	31	0	0	0	3	37	36	16	134	86	48				
47	32	0	0	0	15	35	52	16	172	129	43				
56	53	0	3	0	0	39	54	14	169	122	47				
49	46	0	1	0	2	41	51	11	126	41	85				
54	47	0	2	0	5	29	53	19							

Governments Have More Injuries

There are some interesting statistics in the latest California injury and illness data comparing private companies' incident rates for lost workdays to those of government. In all cases, the government has much higher rates.

For instance, the incident rate for lost workdays for private industry was 101.8 per 10,000 full-time workers in 2015. For state government, it was considerably higher – 175.2. And for local government, it was a whopping 218.6.

In terms of raw numbers, private industry had more than 110,000 lost-workday injuries in 2015. State government had a total of about 6,800 days-away injuries and illness. Local

government saw more than 26,000 such injuries/illnesses.

The most prevalent lost-workday injury type was sprains, strains, and tears. For private industry, there was a 34.8 incidence rate. The incidence rate for these injuries was much higher in state government – 61.6. But local government surpassed even that, at 92 per 10,000.

Sixty percent of those suffering lost-workday injuries were men. Sixty-one percent of the total involved workers age 25-54. Two-thirds of the injured workers had been on the job for at least one year.

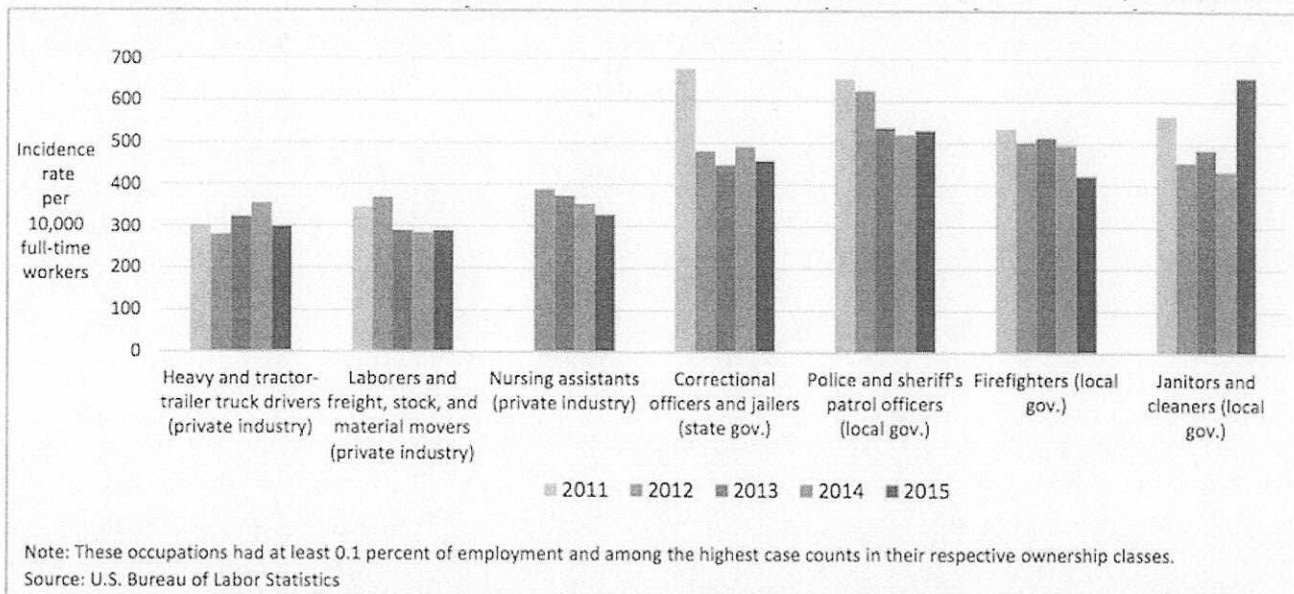
Days Away Injuries and Illnesses 2015, California Private Industry

I&I Source	Total	Total Goods Producing	Natural Resources/Mining	Construction	Manufacturing	Total Service Providing	Trade, Trans & Utilities	Information	Financial Activities	Professional & Biz Svcs	Education/Health	Leisure/Hospitality	Other
Total	110,920	25,350	6,010	8,910	10,430	85,570	31,290	2,140	4,650	9,270	17,790	17,170	3,250
Fractures	6,250	1,910	370	830	710	4,340	1,760	170	200	940	540	640	100
Sprains, Strains & Tears	37,880	7,570	1,780	2,230	3,560	30,310	12,730	590	1,440	2,940	7,120	4,740	760
Amputations	360	190	--	90	100	170	120	--	--	--	--	40	--
Bruises, Contusions	8,130	1,440	580	220	640	6,690	2,660	60	270	450	1,940	830	490
Chemical Burns	240	70	--	--	60	170	60	--	--	50	--	40	--
Thermal (heat) Burns	2,110	450	250	60	140	1,660	150	--	--	30	70	1,390	--
Soreness, Pain	14,400	3,520	790	1,470	1,260	10,880	2,990	240	1,290	900	2,420	2,610	430
Cuts, lacerations & Punctures	12,250	3,820	410	1,960	1,450	8,440	3,310	120	230	970	520	2,910	390
Carpal Tunnel	770	150	70	--	70	630	120	--	60	80	200	110	60
Tendonitis	480	40	--	--	30	440	60	--	40	80	170	70	--
Multiple Traumatic Injuries	3,930	890	220	270	400	3,050	1,190	120	50	230	960	390	100

Incidence rates per 10,000 FT workers

Total	101.8	110.3	150.9	138.5	83	99.6	129.9	49.4	63.8	49.5	110.7	145.5	90
Fractures	5.7	8.3	9.2	13	5.6	5	7.3	3.9	2.7	5	3.3	5.4	2.7
Sprains, Strains & Tears	34.8	32.9	44.6	34.7	28.3	35.3	52.8	13.6	19.7	15.7	44.3	40.2	31
Amputations	0.3	0.8	--	1.4	0.8	0.2	0.5	--	--	--	--	0.3	--
Bruises, Contusions	7.5	6.3	14.5	3.4	5.1	7.8	11.1	1.3	3.6	2.4	12.1	7	13.4
Chemical Burns	0.2	0.3	--	--	0.5	0.2	0.3	--	--	0.3	--	0.4	--
Thermal (heat) Burns	1.9	2	6.3	0.9	1.1	1.9	0.6	--	--	0.1	0.4	11.8	--
Soreness, Pain	13.2	15.3	19.9	22.9	10	12.7	12.4	5.5	17.7	4.8	15	22.1	12
Cuts, lacerations & Punctures	11.3	16.6	10.4	30.4	11.5	9.8	13.7	2.7	3.1	5.2	3.2	24.7	10.7
Carpal Tunnel	0.7	0.6	1.8	--	0.6	0.7	0.5	--	0.8	0.4	1.2	0.9	1.7
Tendonitis	0.4	0.2	--	--	0.2	0.5	0.2	--	0.5	0.4	1	0.6	--
Multiple Traumatic	3.6	3.9	5.5	4.2	3.2	3.5	4.9	2.8	0.7	1.3	6	3.3	2.9

National incidence rates for occupational injuries and illnesses with days away from work by selected occupations, 2011-15



The accompanying chart shows the distribution of lost workday injuries/illnesses for private industry. For state government, about two-thirds of the injuries were in public administration and the rest in education and health services. The rate for public administration was 232, and education/health services 125.5.

For local government, injuries were evenly distributed between education/health services and public administration, with the rest occurring in trade, transportation, and utilities. About 400 were in local government construction. The rate for that sector of local government was an astounding 528.8 per 10,000 workers. Both trade, transportation and utilities, and leisure and hospitality had rates of more than 300.

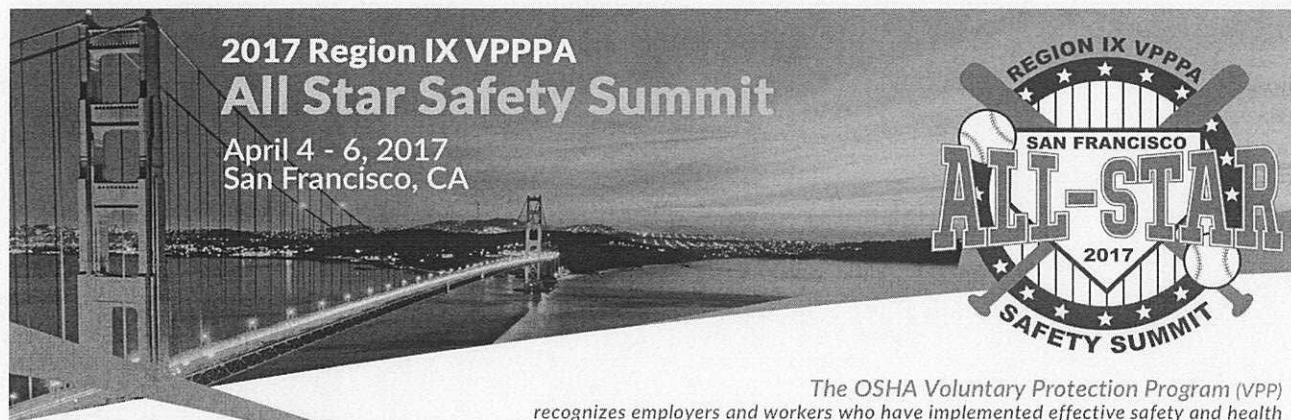
Nationally, the rate for all sectors was 104, with 1.15 million days-away-from-work cases. In private industry, the rate was 93.0. For state government nationally it was 149.2 and 177.5 for local government.

The data is a follow-up to the overall injury and illness data published in November. Click here to see that coverage.

PSM

continued on page 11635

- Apply a hierarchy of controls analysis to ensure that the most effective and lasting approaches to PSM are implemented;
- Use “first-order” safeguards to the extent feasible;
- Perform damage mechanism reviews to address failures within process equipment;
- Integrate human factors and safety culture assessments into safety planning and include frontline workers in decision-making;
- Establish effective stop-work procedures that authorize personnel to shut down a unit if they detect a hazard;
- Conduct root-cause analyses of accidents, releases, and near-misses;
- Complete corrective actions within specific timeframes, including 18 months after audits or incident investigations.



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