

Key Performance Statistics for Cal/OSHA

January – July 2015

1) DOSH Program Office – January 13, 2015

- DOSH inspections and violation from January 1992 through June 2014
- DOSH on-site inspections and violations by major industrial groups, April-June 2014
- DOSH on-site inspections and violation cited by reason, April-June 2014

2) Drawn from the pages of the *Cal/OSHA Reporter*

- Graphs from the annual report of the Commission for Health and Safety and Workers' Compensation (February 13th)
- Article and graphs from the Legislative Analyst Office report on Cal/OSHA (March 20th)
- “Fewer DOSH inspections; Serious Cites Increase” (March 20th)
- “California: Highest Workplace Fatalities Since 2009” (May 1st)
- “Most Cited & Appealed California Safety Standards, 2014” (June 19th)

Compiled by Garrett Brown, July 9, 2015

**DOSH INSPECTIONS AND VIOLATIONS CITED BY QUARTER
FROM JANUARY 1992 THROUGH JUNE 2014**

| 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 |
| Qtr | | | | | | | | | |
| 1 - '12 | 2,796 | 1,742 | 1,054 | 24 | 3,876 | 2.23 | 715 | 3,161 | 18 |
| 2 - '12 | 3,308 | 2,134 | 1,174 | 21 | 3,781 | 1.77 | 681 | 3,100 | 18 |
| 3 - '12 | 3,854 | 2,225 | 1,629 | 18 | 3,813 | 1.71 | 609 | 3,204 | 16 |
| 4 - '12 | 2,820 | 1,619 | 1,201 | 21 | 3,678 | 2.27 | 647 | 3,031 | 18 |
| 2012 | 12,778 | 7,720 | 5,058 | 21 | 15,148 | 1.96 | 2,652 | 12,496 | 18 |
| 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 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

**DOSH ON-SITE INSPECTIONS AND VIOLATIONS CITED
FOR MAJOR INDUSTRIAL GROUPS (BY SIC)
FROM APRIL THROUGH JUNE 2014**

| REASON FOR INSPECTIONS | AGRICULTURE | | MINERAL EXTRACTION | | CONSTRUCTION | | MANUFACTURING | | TRANSPORT. PUBLIC UTILITIES | | WHOLESALE TRADE | | RETAIL TRADE | | FINANCIAL REAL ESTATE | | SERVICES | | PUBLIC ADMIN. | | TOTALS | |
|------------------------|-------------|-----|--------------------|----|--------------|-----|---------------|-----|-----------------------------|----|-----------------|----|--------------|----|-----------------------|----|----------|-----|---------------|----|--------|-----|
| | | | | | | | | | | | | | | | | | | | | | | |
| INSPECTIONS | | | | | | | | | | | | | | | | | | | | | | |
| Total | 291 | 14% | 74 | 4% | 724 | 35% | 285 | 14% | 120 | 6% | 63 | 3% | 119 | 6% | 23 | 1% | 309 | 15% | 51 | 2% | 2059 | |
| Accident | 74 | | 12 | | 136 | | 103 | | 66 | | 21 | | 33 | | 6 | | 93 | | 17 | | 561 | 27% |
| Complaint | 73 | | 8 | | 105 | | 86 | | 45 | | 23 | | 72 | | 8 | | 128 | | 30 | | 578 | 28% |
| Referral | 67 | | 0 | | 194 | | 7 | | 3 | | 5 | | 5 | | 4 | | 21 | | 3 | | 309 | 15% |
| Follow-up | 0 | | 1 | | 4 | | 12 | | 0 | | 0 | | 1 | | 0 | | 6 | | 0 | | 24 | 1% |
| Unprogrammed Related | 18 | | 1 | | 126 | | 22 | | 6 | | 5 | | 5 | | 4 | | 36 | | 1 | | 224 | 11% |
| Programmed | 59 | | 52 | | 159 | | 55 | | 0 | | 9 | | 3 | | 1 | | 25 | | 0 | | 363 | 18% |
| VIOLATIONS | | | | | | | | | | | | | | | | | | | | | | |
| Total | 301 | | 119 | | 1277 | | 968 | | 178 | | 124 | | 326 | | 47 | | 482 | | 44 | | 3866 | |
| Serious | 53 | | 12 | | 224 | | 238 | | 27 | | 28 | | 36 | | 1 | | 70 | | 2 | | 691 | |
| Other than Serious | 248 | | 107 | | 1,053 | | 730 | | 151 | | 96 | | 290 | | 46 | | 412 | | 42 | | 3175 | |
| Percent Serious | 17.6% | | 10.1% | | 17.5% | | 24.6% | | 15.2% | | 22.6% | | 11.0% | | 2.1% | | 14.5% | | 4.5% | | 17.9% | |

**DOSH ON-SITE INSPECTIONS AND VIOLATIONS CITED BY REASON
FROM APRIL THROUGH JUNE 2014**

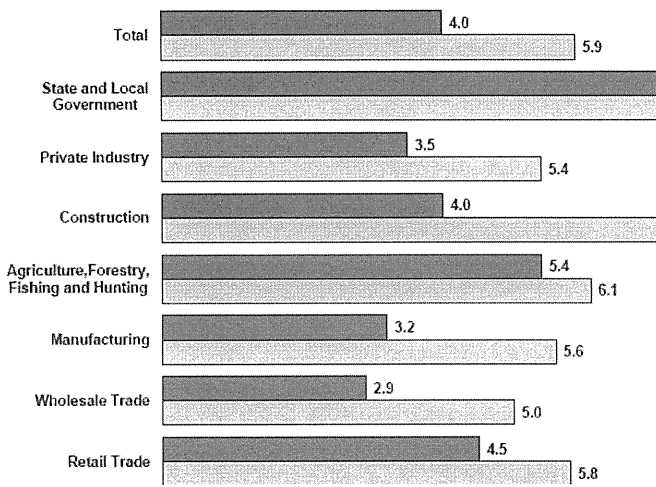
| REASONS FOR INSPECTIONS | TOTAL INSPECTIONS | TOTAL INSPECTIONS WITHOUT VIOLATIONS CITED | TOTAL INSPECTIONS WITH VIOLATIONS CITED | PERCENT OF INSPECTIONS WITH VIOLATIONS CITED | TOTAL VIOLATIONS | SERIOUS VIOLATIONS | OTHER THAN SERIOUS VIOLATIONS | PERCENT SERIOUS |
|-------------------------|-------------------|--|---|--|------------------|--------------------|-------------------------------|-----------------|
| Total | 2,059 | 658 | 1,401 | 68.04% | 3,866 | 691 | 3,175 | 17.87% |
| Accident | 561 | 151 | 410 | 73.08% | 1,056 | 278 | 778 | 26.33% |
| Complaint | 578 | 193 | 385 | 66.61% | 1,075 | 118 | 957 | 10.98% |
| Referral | 309 | 99 | 210 | 67.96% | 294 | 32 | 262 | 10.88% |
| Follow-up | 24 | 22 | 2 | 8.33% | 1 | 0 | 1 | 0.00% |
| Unprogrammed Related | 224 | 96 | 128 | 57.14% | 338 | 54 | 284 | 15.98% |
| Programmed | 363 | 97 | 266 | 73.28% | 1,102 | 209 | 893 | 18.97% |

Cal/OSHA, Illustrated

The recently released annual report from the Commission for Health and Safety and Workers' Compensation shows how far safety has progressed in California. But in some cases, it illustrates how far some things have failed to progress.

Across the board, injury rates have dropped in the past 10 years, as this chart shows.

Figure 104: Injury Rates by Industry, 2013 vs. 2003

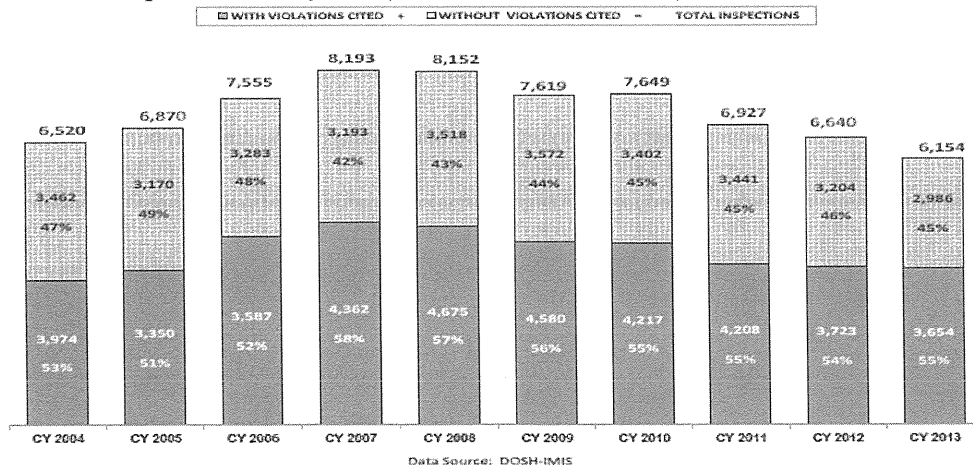


Source: DIR, Director's Office of Policy, Research and Legislation

For instance, the rate for construction, one of our most hazardous industries, was almost halved between 2003 and 2013. Another hazardous business, agriculture, saw its rate decline, but not nearly as much. But overall, the progress has been significant.

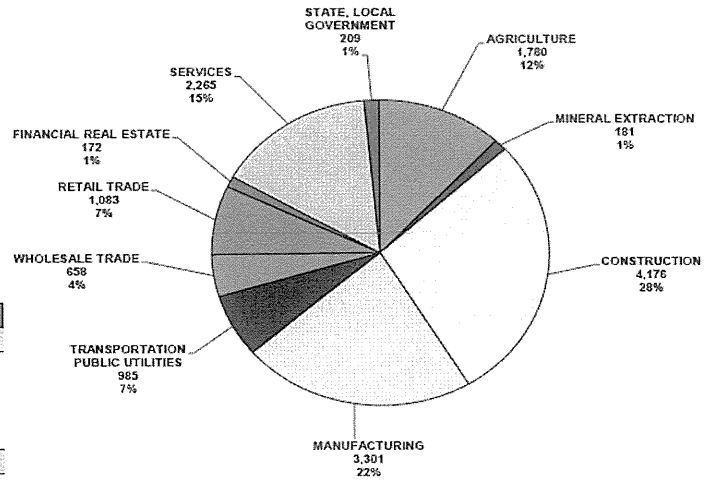
As the next chart demonstrates, Cal/OSHA's response to incidents has leveled off in recent years, a product of personnel shortages. In 2013, the Division of Occupational Safety and Health conducted fewer inspections than in 2004 – about 1,000 fewer than the almost 8,200 in 2007.

Figure 125: DOSH Inspections (With and Without Violations Cited)*, CY 2004 - CY 2013

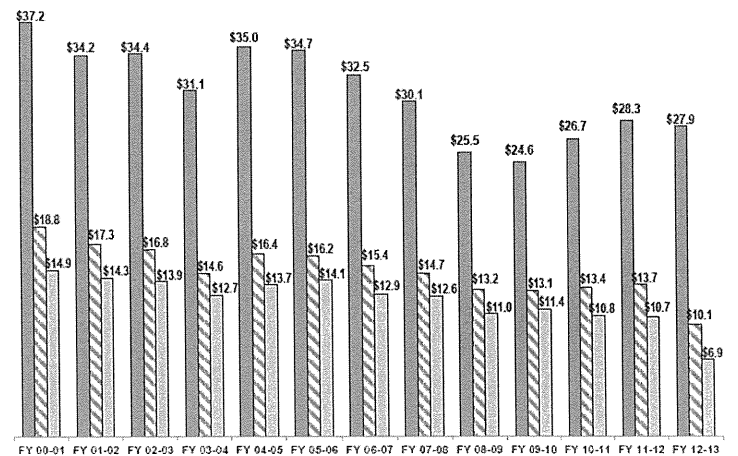


Data Source: DOSH-IMIS

Figure 131: Distribution of Violations by Major Industry, State CY 2013 (Total Violations=14,894)



As mentioned, the injury rate for construction has decreased significantly. That's likely due to a strong DOSH presence in the industry. Construction accounted for 30% of Cal/OSHA



Data Source: DOSH

inspections, by far the highest percentage of any industry, while 28% of the violations cited by the Division were in construction.

But what happens after employers are cited? DOSH statistics show that the agency ultimately collects only a fraction of the originally proposed penalties, providing a powerful incentive for employers to appeal citations.

In fiscal year 2012-2013, the Division proposed a total of \$27.9 million in

penalties. Net assessments totaled \$10.1 million – but the agency collected only about 70% of that – \$6.9 million. As this chart shows, collections have never equalled the final total assessments. The data “cannot be viewed entirely as an indicator of progress in health and safety at places of employment, due to related impacts on the data from DOSH staffing changes and resource changes from year to year,” the CHSWC report states, calling the data “a starting point for further analysis.”

[Click here](#) for a copy of the full CHSWC annual report.

Violence Standard

continued from page 11086

tween what is normally considered a weapon and everyday items.

She also said DOSH should clarify what the “universe of reporting” is for hospitals. For instance, should non-employees such as dietitians be included in the hospitals’ responsibility to report? And in instances where hospitals lease space, they don’t have the ability to install their own security systems.

Committee chair Bob Nakamura, senior safety engineer for the DOSH Research and Standards-Health Unit, said the problem is exemplified by a report of a patient taking apart a bed and using it as a weapon.



Gail Blanchard-Saiger:
Should psychological stress really be a reportable incident?

CHA also takes issue with DOSH’s definition of workplace violence: “Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site.” In addition to physical force and injury, it also includes psychological trauma and stress.

Should stress really be reportable, Blanchard-Saiger asked. “We want to do this right,” she said.

Nakamura noted that the reporting criteria is based on the SB 1299 definition of workplace violence. “We’re going to get a flood of information,” he said. “Somebody has to go through that and decide if we need to do an investigation. We’re trying to come to terms with that.”

Another nurse insisted that the onus should be on hospital administration. “Healthcare workers take care of people,” she said. “The administration should be taking care of us.” The lack of reporting contributes to the violence, she added. “We need to have a system for reporting” to DOSH.

One commenter pointed out that other countries and even rival states have more stringent rules protecting

First Draft: Healthcare Violence Prevention

Scope & Application: Applies to health facilities; outpatient medical offices and clinics; home health care and home-based hospice; paramedic and emergency medical services; mobile clinics and dispensing operations; drug treatment programs and ancillary healthcare operations, such as retail clinics or school nurse operations.

Workplace Violence Prevention Plan: As part of their IPPs, employers covered by the regulation would be required to establish, implement and maintain an effective written workplace violence prevention plan, for all units, services and operations.

Plans must include:

- Assessment procedures for identifying and evaluating risk factors and a review of all violent incidents at the facility. Specific procedures included for mobile clinics and dispensing operations, home health care and emergency medical services.
- Procedures to correct violence hazards, including training for staff; line of sight or other immediate communication in all areas where patients or members of the public are present; room security; prevention of unauthorized firearms or weapons in the facility; sufficient staffing to implement the plan; effective alarm systems; an effective emergency response plan; post-incident debriefings and solicitation from injured employees on their opinions regarding the incident’s cause.


A prohibition on employer’s preventing employees from seeking assistance and intervention from local emergency services and law enforcement when a violent incident occurs, and from retaliation from having done so.

Reporting to Cal/OSHA: General acute care hospitals, acute psychiatric hospitals and special hospitals would be required to report to the Division of Occupational Safety and Health each violent incident within 24 hours if it results in an injury, involves the use of a firearm or dangerous weapon, or “presents an urgent or emergent threat to the welfare, health or safety of hospital personnel.” Less serious incidents must be reported within 72 hours.

Reportable incidents include the use of physical force against a hospital employee, or ones that have “a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains injury.” Use of firearms are reportable even if there is no injury.

Training: Initial training when the plan is first established and to all new employees or those given new job assignments and at least once a year to employees and supervisors.

Recordkeeping: Would include records of violence hazard identification, evaluation and correction, plus reports of violent incidents, and training.



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Leg Analyst: Increase Cal/OSHA Staffing, Require Better Outcomes

Cal/OSHA's quest to increase its staffing got a major boost with a March 13 report from California Legislative Analyst Mac Taylor. Taylor agrees with the governor's budget proposal that would fund 34 new inspection positions and 10 other additional legal and support staffers.

But that support comes with conditions. Taylor says Cal/OSHA and the Department of Industrial Relations need to better target high-hazard businesses to ensure the new funding is well spent, a proposed "assistant district manager" program should be extended to the High-Hazard Unit and the increased staffing should be tied to "broader Cal/OSHA outcomes" instead of inspection output.

The report also suggested that the Division of Occupational Safety and Health "take steps to improve the productivity" of its inspectors.

The proposed budget would add 44 positions phased in over two years, at \$4.6 million in special funds for 2015-16 and \$7.1M ongoing. These increases would result in about 1,400 additional inspections per year, almost half of them involving high-hazard industries. The funding comes from an assessment (a tax by any other name) on employers' workers' comp premiums known as the Occupational Safety and Health Fund.

The report points out that DOSH is not meeting some state and federal mandates, including:

- Failure to meet timelines for responding to formal complaints, both serious and non-serious;
- Performing only 49 of a required 231 follow-up inspections for worksites that had been cited for serious violations;
- Failure to perform sufficient inspections prior to issuing permits for high-risk activities such as deep trenching and demolition (such inspections are not legally required, but are considered prudent);
- Having a citation rate for serious violations that is significantly below the federal average;

LAO on Cal/OSHA continued on page 11121

Rates of Fatal and Nonfatal Occupational Injuries

Incidents Per 10,000 Full-Time Workers

| | 2011 | 2012 | 2013 |
|---|-------|-------|------------------|
| California | | | |
| Nonfatal injuries and illnesses involving days away from work | 121.7 | 123.6 | 124.0 |
| Fatalities | 0.4 | 0.3 | 0.3 ^a |
| United States | | | |
| Nonfatal injuries and illnesses involving days away from work | 116.4 | 111.8 | 109.4 |
| Fatalities | 0.5 | 0.4 | 0.4 ^a |

^a Data are preliminary.

LAO Chart

Two Workers Killed in Past Week

The latest workplace fatality investigations begun by the Division of Occupational Safety and Health involve a worker who was caught in a piece of machinery and another who fell to his death after mistakenly stepping on a conveyor.

The first incident was on March 12 in Livingston, near Modesto, involving an employee of Dan Avila & Sons. While working on a spreader/seeder, the man's loose clothing caught on cotter pins and he was pulled into the machine. Entangled and unable to breathe, the worker was killed.

The next day, an employee of O&S Contractors in Quincy, in the northern Sierra Nevada mountains, accidentally stepped onto the wrong conveyor, which carried him to the top of large machine, causing him to fall 20 feet. He was transported to a Chico hospital by helicopter, but succumbed to his injuries.

IN THIS ISSUE

NEWS

00-11117 to 00-11122

- Cal/OSHA Warns on Non-Standard Boilers
- Firefighter Foot Protection Proposal Modified
- Inspections Down, Serious Violations Up
- Job Openings

DECISIONS

40-7211 to 40-7212

- Victory Screen Printing

It is 5,101 days since our last lost-time accident.

LAO on Cal/OSHA

continued from page 11117

- Having a “relatively long” lapse time between the opening of an inspection and issuance of citations or a decision not to cite.

“We find that the concerns raised by the Governor are valid, and that the additional positions proposed ... would enable Cal/OSHA to meet state requirements that are currently not being met and at least partially address federal OSHA concerns,” Taylor says, in recommending that the legislature approve the new positions.

Expand Assistant DMs

DOSH wants to create 16 new positions – assistant district managers – who also would have inspection responsibilities. This is a job classification that does not currently exist in Cal/OSHA. The theory is that they would help improve timeliness in the inspection process by having more personnel to approve citations, handle appeals and manage inspector workloads.

But Assistant DMS are not currently envisioned for the High Hazard Unit, and considering the expanded role DIR wants for the unit, the LAO wonders why not. “It is unclear to us at this point why the need for increased management-level inspectors in Cal/OSHA more broadly ... would not apply” to the High Hazard Unit. The legislature should consider replacing some of the positions proposed for the unit with assistant DMs, the LAO says.

Taylor also suggested that DOSH could better target establishments for high-hazard inspections, including use of workers’ comp claims data and federal data on injuries and illnesses. “We think it would be beneficial for the Legislature to require Cal/OSHA to justify how its current targeting practices would allow for the cost-effective use of the proposed 14 additional inspectors for high-hazard industries,” the report states.

Select Cal/OSHA Requirements in State Law

- Must investigate formal complaints made by employees or their representatives. Investigations into formal complaints of serious violations must begin within 3 working days, while investigations into formal complaints of nonserious violations must begin within 14 calendar days.
- Must reinspect at least 20 percent of business establishments with a serious violation.
- Must have a “high-hazard industry” inspection program that prioritizes planned inspections in industries with relatively high rates of workplace injury and illness.
- Must issue permits before certain high-risk projects can be undertaken (such as excavation of deep trenches, construction of tall structures, underground use of diesel engines, and others).
- Must dedicate certain budgetary resources for activities related to the Labor Enforcement Task Force, which targets coordinated enforcement activities of multiple state agencies, including Cal/OSHA, in business establishments participating in the “underground economy.”

Cal/OSHA Budget

(Dollars in Millions)

| | 2013-14 Actual | 2014-15 Estimated | 2015-16 Proposed | Change From 2014-15 | |
|-------------------------------------|-------------------|----------------------|---------------------|---------------------|----------------|
| | | | | Amount | Percent |
| Funding | | | | | |
| Federal funds | \$31.3 | \$36.5 | \$36.4 | -\$0.1 | — ^a |
| Occupational Safety and Health Fund | 52.8 | 61.5 | 68.0 | 6.5 | 11% |
| Elevator Safety Account | 21.2 | 23.1 | 27.4 | 4.3 | 19 |
| Other special funds | 8.5 | 9.8 | 9.8 | -0.0 | — |
| Totals | \$113.8 | \$130.9 | \$141.7 | \$10.8 | 8% |
| Positions | 650.8 | 727.9 | 779.9 | 52.0 | 7% |

^a Less than 0.5 percent.

DOSH plans to increase its high-hazard inspections by 165%, from slightly under 400 per year to more than 1,000 over the next couple of years.

LAO also suggested that Cal/OSHA inspectors could make more efficient use of their time. In 2012, compliance officers conducted an average of 43 inspections for the year, versus a federal average of 50. “We think it is important, as the Legislature considers approving additional inspection staff for Cal/OSHA, for Cal/OSHA to take steps to improve the productivity of Cal/OSHA inspectors,” and report its progress to the Legislature, the analyst says.

‘Broader Outcomes’

In return for additional personnel, LAO recommended that DIR report on the impact the new Cal/OSHA positions are having on enforcement, such as improved compliance, the rate of serious violations from different types of inspections versus the federal benchmark, the success of DOSH’s high-hazard targeting methodology and the extent to which existing state requirements “may hinder Cal/OSHA’s ability to effectively allocate enforcement resources.”

Coupling new staff to “output,” such as the number of inspections conducted, may not be the optimal use of resources, LAO says. “Increasing the number of inspections per business establishment to equal the national average may or may not have a meaningful effect on the rate of occupational injury and illness,” he says. Instead, the agency should use those resources on activities “with the greatest likelihood of leading to improved compliance.”

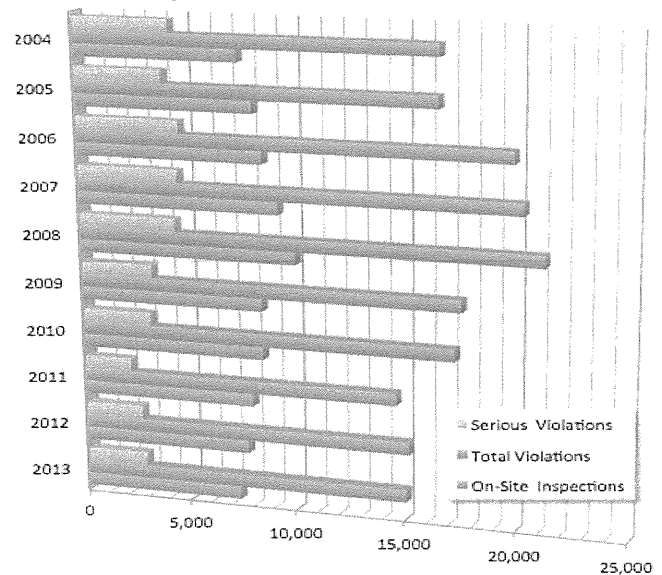
Asked for comment about the report, Department of Industrial Relations Director Christine Baker tells Cal-OSHA Reporter, “We appreciate being able to work with the Legislative branch on evaluating and identifying methods to be as effective as possible.”

The proposal actually revises GISO §3411, and applies to private fire brigades only, because the board is concerned that making it applicable to all structural firefighting operations will run it afoul of legal precedence stating that local fire districts do not have to comply with reimbursable state mandates.

Fed-OSHA’s concern is that the NFPA reference doesn’t include Chapter 6 of the NFPA standard, which discusses the sole-penetration requirements for foot protection and which also makes reference to the American Society of Testing Materials F-2413 standard.

The revision includes the reference Chapter 6.10. [Click here](#) to see the revised proposal. Send comments by 5 p.m. on March 26 to the Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; fax, 916-274-5743; or email oshsb@dir.ca.gov.

DOSH Inspections and Violations, 2004-2013



Fewer DOSH Inspections; Serious Cites Increase

The Division of Occupational Safety and Health conducted some 350 fewer onsite inspections in 2013 versus 2012. The number of violations cited were nearly the same as the previous year, but serious violations were up to the highest level since 2010.

Meanwhile, statistics for the first half of 2014 show trends that if hold, will mean similar performance – fewer onsite inspections, but steady, possibly higher violations and more serious violations.

In 2013, the Division conducted just over 7,300 inspections at California workplaces, down about 5% from 2012’s 7,720. Those inspections yielded 15,021 alleged Title 8 violations, which is slightly below 2012’s 15,148.

But serious cites were up 6%, to 2,819, a rate of 19%. The rate at which Cal/OSHA cites employers for serious violations has spurred criticism from Fed-OSHA, which says the rate should be much higher. Even by Cal/OSHA’s standards the rate is low, as our accompanying chart shows. For instance, in the mid-2000s, the percentage was in the mid 20s.

Among the major industrial sectors Cal/OSHA tracks, manufacturing continues to show the highest rate of serious. In 2013 it was 27% and is showing a similar rate for

DOSH On-Site Inspections and Violations Cited, Major Industrial Groups, Total 2013

| | On-Site Inspections | Accident Related | Complaint Related | Programmed Inspections | Total Alleged Violations | Alleged Serious | % Alleged Serious |
|----------------------------------|---------------------|------------------|-------------------|------------------------|--------------------------|-----------------|-------------------|
| Agriculture | 1,093 | 240 | 194 | 305 | 1,817 | 295 | 16% |
| Mineral Extraction | 210 | 27 | 9 | 158 | 185 | 42 | 23% |
| Construction | 2,163 | 514 | 406 | 513 | 4,224 | 766 | 18% |
| Manufacturing | 1,007 | 391 | 296 | 220 | 3,367 | 902 | 27% |
| Transportation/ Public Utilities | 502 | 193 | 209 | 43 | 997 | 180 | 18% |
| Wholesale Trade | 215 | 97 | 75 | 28 | 662 | 110 | 17% |
| Retail Trade | 501 | 123 | 268 | 82 | 1,092 | 121 | 11% |
| Financial/ Real Estate | 90 | 20 | 48 | 3 | 172 | 25 | 15% |
| Services | 1,323 | 366 | 517 | 270 | 2,291 | 346 | 15% |
| Public Admin. | 222 | 76 | 121 | 2 | 214 | 32 | 15% |
| Totals | 7,327 | 2,047 | 2,143 | 1,624 | 15,021 | 2,819 | 19% |

Source: DOSH Program Office

DOSH On-Site Inspections and Violations Cited, Major Industrial Groups, January-June, 2014

| | On-Site Inspections | Accident Related | Complaint Related | Programmed Inspections | Total Alleged Violations | Alleged Serious | % Alleged Serious |
|----------------------------------|---------------------|------------------|-------------------|------------------------|--------------------------|-----------------|-------------------|
| Agriculture | 406 | 127 | 110 | 62 | 578 | 112 | 19% |
| Mineral Extraction | 144 | 22 | 9 | 110 | 173 | 20 | 12% |
| Construction | 1,279 | 271 | 209 | 325 | 2,565 | 476 | 19% |
| Manufacturing | 589 | 208 | 161 | 151 | 1,951 | 498 | 26% |
| Transportation/ Public Utilities | 232 | 100 | 99 | 6 | 390 | 56 | 14% |
| Wholesale Trade | 134 | 51 | 44 | 21 | 283 | 60 | 21% |
| Retail Trade | 251 | 66 | 140 | 25 | 546 | 66 | 12% |
| Financial/ Real Estate | 36 | 10 | 15 | 1 | 104 | 10 | 10% |
| Services | 629 | 183 | 238 | 96 | 1,443 | 196 | 14% |
| Public Admin. | 124 | 39 | 78 | 0 | 88 | 4 | 5% |
| Totals | 3,824 | 1,077 | 1,103 | 797 | 8,121 | 1,498 | 18% |

Source: DOSH Program Office

2014. Even construction and agriculture, traditionally two of the most hazardous industries, are being cited at a much lower serious rate.

If the 2014 trends continue, DOSH will conduct about 7,600 on-site inspections, cite more than 16,000 violations, with a serious rate of about 18%.

Moreover, inspections are down to the lowest levels in a decade and so are violations.

The steady drop in Cal/OSHA inspections since about 2008 is attributed to personnel cutbacks triggered by the economic meltdown. A report issued on March 13 by the California Legislative Analyst's Office underscored federal and gubernatorial concerns that DOSH is not conducting sufficient inspections, is understaffed and is not issuing enough serious violations. (See separate story, p. 11117.)

The governor's budget for 2015-16 provides for 40 new enforcement positions, plus other non-enforcement support positions.

Employers, Cal/OSHA Settle Cases

Among the dozens of settlements agreed to by employers and the Division of Occupational Safety and Health, and approved by the Appeals Board, are a number of cases involving fatalities and serious injuries that have been chronicled in the pages of *Cal-OSHA Reporter*. Here are the results of those settlements.

Tesla Motors: This manufacturer of electric cars has agreed to pay \$71,000 of a proposed \$89,000 in a November 2013 incident at its Fremont plant that sprayed three workers with molten aluminum.

DOSH cited Tesla for six serious and two general violations in the case. The Division agreed to withdraw one of the serious violations as redundant.

The incident occurred because a die-casting machine used to make the high-end automobiles had a defective safety interlock, DOSH said, and a crew failed to follow proper procedure.

The three workers were attempting to change a seal in the holding furnace of the machine, which contains molten aluminum. The chamber was opened prior to releasing pressure in the unit, the Division said. The broken interlock bar allowed the workers to open the lid without first releasing the air pressure.

The most serious allegations (with \$18,000 proposed penalties each) were cited under General Industry Safety Orders §3314(c), for failing to release the air pressure; §3314(j)(1) for failing to train the workers on Tesla's hazardous energy control program; §3328(g) for failing to maintain the machine in safe operating condition; and §3328(c) for failing to prevent the employees from using the machine while it had a defective

interlock bar.

DOSH dropped the §3328(c) violation as a "further instance" of the §3328(g) violation. All the other violations and penalties were affirmed as part of the settlement.

Golden Link Plastic: This Oakland employer will pay about one-sixth of a proposed \$29,970 in connection with the January 2013 death of a mechanic who was attempting to repair a forklift.

Two of the most serious charges in the case were reclassified to general violations due to lack of employer knowledge of the violative conditions, according to the settlement.

The mechanic had raised the forklift on another industrial truck, but the lift under repair fell off the forks and crushed the worker.

The reclassified citations included one under GISO §3664(e), for failure to make arrangements to reduce the possibility of injury due to sudden movement of the forklift; and failure to ensure use of lockout/tagout procedures, including blocking and jacking. Both violations now come with \$335 penalties, from a proposed \$12,600 each.

Golden Link will pay a total of \$5,050.

Menzies Aviation: DOSH and this aviation company at Los Angeles International Airport have reached a partial settlement of citations issued after complaint-based inspections, worth a proposed \$94,550.

Still at issue is an alleged willful violation and \$70,000 penalty under GISO §3659(a). DOSH alleges that employees were using a platform attached to a high-lift industrial truck to raise and lower themselves while breaking down pallets. DOSH alleges that Menzies knew of the hazard and allowed workers to continue using the platform.

On the other violations cited in the inspection, Menzies will pay \$21,850 of a proposed \$24,550.

Brinderson Constructors: This refinery contractor will pay \$7,000 of a proposed \$13,500 for two serious violations in a March 10, 2014, incident at the Tesoro Golden Eagle Refinery near Martinez. Two Brinderson employees were sprayed with acid while cutting into an isolated two-inch line in an alkylation unit.

In addition to DOSH, the U.S. Chemical Safety and Hazard Investigation Board investigated the incident. The two serious violations issued in the case involve the use of personal protective equipment under GISO §3380. One of them was reclassified to general based on insufficient evidence to prove a realistic probability of serious physical harm, and the \$6,750 penalty reduced to zero.

The other PPE violation also was reclassified, but the \$6,750 penalty was increased to \$7,000.

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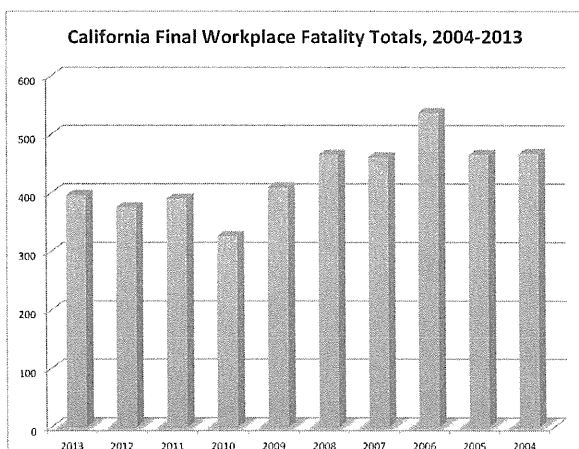
May 1, 2015 Vol. 42 No. 17 www.cal-osha.com Since 1973

California: Highest Workplace Fatalities Since 2009

The final tally for California workplace deaths was 396 according to the 2013 Census of Fatal Occupational Injuries (CFOI) – a 3% increase over the preliminary total Cal/OSHA released last fall. Overall there were 21 more fatalities in California in 2013 as the state posted its highest fatality total since 2009.

A total of 4,535 workers nationwide suffered fatal occupational injuries in 2013

Nationwide, however, California's share of fatal workplace incidents declined. California accounted for 8.6% of the 4,585 fatalities recorded in 2013 compared to 12.3% of the 4,628 reported in 2012. The nationwide total is the second lowest recorded since 1992, according to the US Bureau of Labor Statistics.



Nearly all major industrial sectors saw increases over the 2012 tallies with the largest increases reported in administrative and waste service operations, which includes landscaping, as well as in manufacturing. Fatalities in the administrative and waste services sector increased 57% to 44 cases last year, while manufacturing was up 25% to 44 cases.

Across all industries exposure to harmful substances or environments accounted for nearly all of the overall increase in fatalities. In 2012 this exposure accounted for 23 deaths, but in 2013 the total climbed to 39 fatalities. Transportation accidents continued to be the most common cause of death with 128 incidents followed by

Fatalities continued on page 11158


Two DOSH Investigations Resulting From Accidents Last Week

A natural gas pipeline exploded April 17th after being hit by a county employee who was driving a front-end loader. The accident took place near a gun range operated by the Fresno County Sheriff.

Thirteen people were injured as the result of the explosion and the ensuing fire. Injured included two deputies and a number of inmates working on a crew. The driver, Ismael Arreazola, suffered severe burns and reportedly is in critical condition. It is undetermined if the county called the state's underground 811 pipeline unit in advance.

**Know what's below.
Call 811 before you dig.**

The 811 or One Call Center provides a free service for homeowners, excavators and professional contractors. When you call 811, a utility representative will locate and mark underground utility lines, so you can dig, landscape, plant, trench or grade safely.



PG&E reports the investigation is going well. The explosion remains under investigation by Fresno County Sheriff's Office and Fresno Fire Department, as well as the California Public Utilities Commission, PG&E, and DOSH.

DOSH's Van Nuys district office reported an incident involving an employee with Del Sol Harvesting, Inc. occurring in Fillmore. The employee was found unconscious in a portable bathroom and sent to a hospital. The employee never regained consciousness, and the family removed the life support. DOSH says it plans to investigate.

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It is 5,142 days since our last lost-time accident.

Fatalities

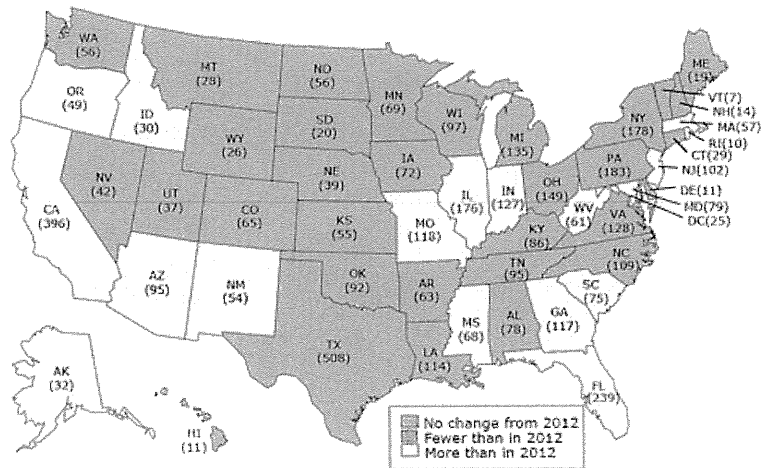
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acts of workplace violence at 80 deaths.

On a state-by-state basis California again trailed only Texas in the overall number of workplace fatalities with the Lone Star state reporting 508 fatalities. Florida had the third most with 239. Overall, 18 states including California reported more workplace fatalities in 2013 than they did in 2012 (see map).


The release of the final CFOI data came as safety advocates were preparing to observe the annual Workers' Memorial Data, which is designed to bring attention to workplace safety issues. The California data is particularly troubling this year due to a sharp increase in the rate of deaths involving Hispanic or Latino workers. In 2012 there were 2.3 deaths per 100,000 Latino workers, but this climbed to a rate of 3.2 per 100,000 in 2013. Overall there were 194 fatalities involving Hispanic or Latino workers in 2013 compared to 137 in 2012 – a 42% increase.

Number of fatal work injuries, by state, 2013



Eighteen states and the District of Columbia had counts showing more fatal injuries in 2013 than in 2012. Twenty-eight states had fewer fatal workplace injuries in 2013 compared to 2012. Four states saw no change between the two years.

| | Total | Violence | Transportation Incidents | Fires and Explosions | Falls, Slips, Trips | Harmful Exposure | Contact with Objects & Equipment |
|----------------------------------|-------|----------|--------------------------|----------------------|---------------------|------------------|----------------------------------|
| All Sectors | 396 | 80 | 138 | 9 | 64 | 39 | 65 |
| Agriculture, Forestry & Fishing | 30 | 5 | 9 | N/A | N/A | 4 | 10 |
| Mining | 3 | N/A | N/A | N/A | N/A | N/A | N/A |
| Construction | 61 | 7 | 13 | N/A | 22 | 8 | 10 |
| Manufacturing | 35 | 5 | 16 | N/A | 4 | N/A | 9 |
| Wholesale Trade | 23 | 3 | 10 | N/A | 4 | 3 | 3 |
| Retail Trade | 27 | 19 | N/A | N/A | N/A | N/A | N/A |
| Transportation & Warehousing | 66 | 5 | 37 | N/A | 7 | 4 | 13 |
| Information | 4 | N/A | N/A | N/A | N/A | N/A | N/A |
| Professional & Business Services | 50 | 4 | 17 | N/A | 12 | 6 | 11 |
| Administrative & Waste Services | 44 | 4 | 12 | N/A | 12 | 6 | 10 |
| Education & Health Services | 13 | 6 | 3 | N/A | 3 | N/A | N/A |
| Arts, Entertainment, Recreation | 7 | N/A | 3 | N/A | N/A | N/A | N/A |
| Accommodation and Food Service | 12 | 6 | N/A | N/A | N/A | N/A | N/A |
| Government | 46 | 15 | 15 | 6 | 3 | 3 | 4 |



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Most Cited & Most Appealed California Safety Standards, 2014

Injury and Illness Prevention Program violations – alleged, that is – continue to be the most cited Title 8 safety orders, according to statistics recently released by the Division of Occupational Safety and Health. There are an estimated 3,000 Title 8 standards that Cal/OSHA can cite under.

Final citation statistics for 2014 were not available at press time, but if recent trends are an indication, they will have been in the range of 15,000 alleged violations. The 25 most-cited standards represent 9,522 alleged violations, nearly 2/3 of the total. Seven of the top 25 most cited violations were among the most appealed standards, including reporting fatalities and serious injuries; table saws; abrasive wheels; prime movers; guardrails at elevated locations; industrial trucks; and machinery and equipment. See the accompanying charts.

In fact, there wasn't much change between 2013 and 2014 in the top 25 list. There were four new entries, including bloodborne pathogens (GISO §5193); personal fall arrest systems (CSO §1670); guardrails at elevated locations (CSO §3210); and table saws (GISO §4300.1).

Among the most appealed citations, failing to report a fatality or serious injury, or reporting after the mandatory 8-hour deadline, §342(a) took the top spot. Section 342s were appealed almost 75% of the time last year, slightly higher than the year before.

In the top five most-cited standards, all showed increases in citation count over 2013, except for §342(a), which dropped slightly. The two IIPP standards, GISO §3203 and CSO §1509, accounted for 2,773 citations last year.

The 24th-most cited standard, the table saws regulation, had the distinction of having the highest rate of serious characterization among the top 25. Almost 83% of the 116 violations cited by DOSH last year were classified serious. Among the top five most cited, the lockout/tagout standard, GISO §3314, had the highest serious rate, at 34%.

Two construction standards, personal fall arrest systems and metal scaffolds (CSO §1644), also had high serious rates, at 68% and 56%, respectively.

Twenty-Five Most Frequently Cited T8 CCR Standards in CY 2014

| Standard | Description | Total Violations | Serious Violations | Percent Serious |
|----------|---|------------------|--------------------|-----------------|
| 3203 | Injury and Illness Prevention Program | 1723 | 86 | 5.0 |
| 3395 | Heat Illness Prevention | 1599 | 92 | 5.8 |
| 1509 | Construction Injury and Illness Prevention Program | 1050 | 20 | 1.9 |
| 3314 | Clean, Repair, Service, Set-up and Adjust Prime Movers, Machinery and Equipment | 554 | 189 | 34.1 |
| 342 | Reporting Work Fatality or Serious Injury | 470 | 1 | 0.2 |
| 5144 | Respiratory Protection | 374 | 9 | 2.4 |
| 5194 | Hazard Communication | 364 | 1 | 0.3 |
| 1512 | Construction: Emergency Medical Services | 329 | 3 | 0.9 |
| 6151 | Portable Fire Extinguishers | 299 | 1 | 0.3 |
| 3276 | Portable Ladders | 270 | 65 | 24.1 |
| 461 | Permits to Operate Air Tanks | 268 | 0 | 0.0 |
| 2340.16 | Work Space About Electric Equipment | 236 | 0 | 0.0 |
| 3457 | Field Sanitation | 210 | 8 | 3.8 |
| 5162 | Emergency Eyewash and Shower Equipment | 200 | 43 | 21.5 |
| 3650 | Industrial Trucks: General Requirements | 191 | 47 | 24.6 |
| 3328 | Safe Practices, Personal Protection: Machinery and Equipment | 177 | 40 | 22.6 |
| 3668 | Powered Industrial Truck Operator Training | 165 | 8 | 4.8 |
| 1527 | Washing Facilities, Food Handling and Temporary Sleeping Quarters | 152 | 0 | 0.0 |
| 3577 | Use, Care, and Protection of Abrasive Wheels: Protection Devices | 151 | 71 | 47.0 |
| 5193 | Bloodborne Pathogens | 139 | 36 | 25.9 |
| 1670 | Personal Fall Arrest Systems, Personal Fall Restraint Systems and Positioning Devices | 128 | 87 | 68.0 |
| 1644 | Metal Scaffolds | 121 | 68 | 56.2 |
| 3210 | Guardrails at Elevated Locations | 121 | 43 | 35.5 |
| 4300.1 | Table Saws (Manual Feed) | 116 | 96 | 82.8 |
| 3241 | General Physical Conditions and Structures: Special Design Requirements, Live Loads | 115 | 19 | 16.5 |
| Total | | 9,502 | 1,033 | 11% |

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

Ten Most Appealed Title 8 Standards During CY 2014

| Standard | Description | Total Violations | Percent Appealed |
|----------|---|------------------|------------------|
| 342 | Reporting Work Fatality or Serious Injury | 470 | 73.6% |
| 4002 | Moving Parts of Machinery and Equipment | 89 | 73.0% |
| 4300.1 | Table Saws (Manual Feed) | 116 | 70.7% |
| 3578 | Permissible Abrasive Wheel Exposure, for Periphery Grinding | 106 | 64.2% |
| 3577 | Use, Care, and Protection of Abrasive Wheels: Protection Devices | 151 | 63.6% |
| 3314 | Clean, Repair, Service, Set-up and Adjust Prime Movers, Machinery and Equipment | 554 | 62.8% |
| 4070 | Belt and Pulley Drives, Guarding | 111 | 60.4% |
| 3210 | Guardrails at Elevated Locations | 121 | 54.5% |
| 3650 | Industrial Trucks: General Requirements | 191 | 54.5% |
| 3328 | Safe Practices, Personal Protection: Machinery and Equipment | 177 | 54.2% |
| Total | | 2,086 | 63% |