

FY 2024 Follow-up Federal Annual Monitoring Evaluation (FAME) Report

California Department of Industrial Relations



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Occupational Safety and Health Administration

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I. Executive Summary

The primary purpose of this report is to assess the California State Plan's progress in Fiscal Year (FY) 2024 in resolving outstanding findings identified in the FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

The FY 2024 Follow-up report contains five findings and one observation that were continued from the FY 2023 Comprehensive FAME Report. There are no new findings or observations. Findings that require an on-site case file review to evaluate will be a focus of the FY 2025 comprehensive FAME.

II. State Plan Background

The California State Plan is the largest in the nation, with multiple entities providing occupational safety and health and whistleblower protection services. The Department of Industrial Relations (DIR) administers the California State Plan and is comprised of several divisions. Katie Hagen was the Director of DIR and State Plan Designee for the evaluation period.

The Division of Occupational Safety and Health (DOSH), more commonly known as Cal/OSHA, covers the enforcement of occupational safety and health regulations, compliance assistance, outreach, health standards development, and enforcement and management of requirements of associated programs, such as pressure vessels, amusement rides, and elevators. Debra Lee was appointed as the Cal/OSHA Chief on June 6, 2024. Chief Lee was supported by David Wesley, Deputy Chief for Field Enforcement; Dan Lucido, Chief Counsel; Carl Paganelli, Deputy Chief of Engineering, Consultation Services, and Process Safety Management; Brandon Hart, Training, Publications, and Outreach Unit Manager; Suzanne Reinfranck, Staff Services Manager, Eric Berg, Deputy Chief for Research and Standards; and Eugene Glendenning, Consultation Program Manager.

The California Occupational Safety and Health Standards Board (OSHSB) promulgates occupational safety and health standards for the State of California. The Board consists of seven members appointed by the governor. The OSHSB was led by Joseph Alioto, Chairperson, and Millicent Barajas, Executive Officer.

The California Occupational Safety and Health Appeals Board (OSHAB) adjudicates contested cases. Ed Lowry was the Board Chair and Patty Hapgood is the Acting Executive Officer.

The Department of Labor Standards Enforcement (DLSE) investigates allegations of retaliation. The Labor Commissioner was Lilia Garcia-Brower. Carlos Torres was the Deputy Chief and Blanca Villafranco was the Assistant Chief. The Regional Manager was Michael Harrison.

There are 28 enforcement offices (known as district offices), with 17 of these offices separated into four geographical regions, each headed by a regional manager. Additionally, there are four

High Hazard Unit offices (HHUs) that conducts programmed inspections of employers in high hazard industries, and four Process Safety Management (PSM) Unit offices. There are three Mining and Tunneling Unit offices with a mandate to inspect tunnels under construction. There are two Labor Enforcement Task Force (LETF) Unit offices that target employers in the underground economy in partnership with other state agencies. The Crane Unit and a Pressure Vessel Unit has staff co-located in district offices that assist compliance safety and health officers (CSHOs) by providing technical expertise for cranes, hoisting equipment, and pressure vessels.

The Department of Industrial Relations made progress during the review period in addressing staffing levels in its units associated with the 23(g) grant. As of November 30, 2024, Cal/OSHA reported an overall vacancy rate of 23%. This is an improvement from the 35% vacancy rate reported on the 2023 FAME. Cal/OSHA continues to battle attrition and slow hiring practices in the filling of its ranks, particularly enforcement. Cal/OSHA maintains a [public website](#) regarding its recruitment and hiring and continues to engage in outreach to encourage qualified applicants to apply to its job openings.

Cal/OSHA's enforcement program conducted 6,436 overall inspections and exceeded their goal of 5,850. However, just 24% of Cal/OSHA's safety inspections were programmed, as compared to a national average of 47%. These numbers are influenced by the need to respond to unprogrammed work including fatalities, injuries, and complaints per state Labor Code mandates. A high percentage of unprogrammed work means that Cal/OSHA cannot conduct planned inspections of high hazard employers at the national average rate. The state conducted a similar percentage of programmed health inspections (32%) compared to 33% nationally.

In FY 2024, the initial federal base award to fund the 23(g) program was \$30,353,800. California matched the federal funds and added \$35,908,437 in 100% state funds, bringing the total award to \$96,616,037. Due to the funding reduction of all OSHA 23(g) programs, the federal base award was decreased by \$1,094,000 in July. California reduced the state required match, accordingly, and added in \$2,188,000 in 100% state funds, bringing the total award back to \$96,616,037. California did not accept any additional one-time only funds and did not de-obligate any federal funds. At the end, California contributed an additional \$8,919,088 in 100% state funds. California reported final expenditures to be \$105,535,125 (\$29,259,800 federal, \$29,259,800 state match, and \$47,015,525 in 100% state funds). The next financial monitoring review will be in FY 2025.

State and local government consultation services were provided under the 23(g) grant, while private sector consultation was provided under the 21(d) Cooperative Agreement. The private sector consultation program is evaluated separately in the FY 2024 Regional Annual Consultation Evaluation Report (RACER).

New Issues

Cal/OSHA is forming and staffing a new Agricultural Enforcement Task Force and Outreach Unit (AETFO) with four new district offices in Lodi, Salinas, Bakersfield and El Centro, along with satellite offices in Merced, Madera, Fresno, Tulare, San Luis Obispo, Santa Barbara, Riverside and San Diego.

While the state of California has many standards that federal OSHA does not have, or has standards that are more stringent than OSHA, the state is not providing OSHA with comparison documents required to confirm this. Over the course of several years, the State of California has submitted responses to several Federal Program Changes and Standards changes, collectively known as plan changes, that have not included sufficient information for OSHA to determine whether the state's standards, policies, and procedures are at least as effective (ALAE) as the federal equivalent. California, in general, adopts plan changes not identical to federal changes. Where adoption is required and the state does not adopt an identical change, the state must submit a Plan Change Supplement including an electronic copy of the policy, procedure, or standard as appropriate and a comparison document clearly identifying any differences between the federal and state plan changes. Where equivalency is required, or adoption is encouraged, the state must submit an electronic copy of the state's policy or standard and identify differences, if any, between its policy and OSHA's.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures (SAMM) Report (Appendix D dated 11/12/2024)
- State Information Report (SIR), (dated 11/12/2024)
- State OSHA Annual Report (SOAR)
- State Plan Annual Performance Plan (APP)
- State Plan 23(g) Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- Whistleblower Application in the OSHA IT Support System (OITSS)
- State Plan Application (SPA)

- OSHA Information System (OIS) reports

B. Findings and Observations

Findings (Status of Previous and New Items)

This follow-up FAME report contains five findings and one observation. There were no new findings or observations. Appendix A describes the continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 2023 finding and recommendation in detail.

Completed Findings

No findings were completed in FY 2024.

Continued Findings

Finding FY 2024-01 (FY2023-01): The average number of serious, willful, repeat, or unclassified (SWRU) violations issued was 0.67 (SAMM 5a) violations per inspection. This was below the lower end of the Further Review Level (FRL) range (1.40 violations per inspection).

Status: In FY 2024, according to Appendix D, Cal/OSHA's average number of SWRU violations per inspection rate (SAMM 5a) was 0.67, the same rate as from the previous evaluation period. In prior casefile reviews, OSHA did not find evidence of misclassification of hazards. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2025 comprehensive FAME. This finding will be continued.

Finding FY 2024-02 (FY 2023-03): In FY 2023, in 20 of 73 (27.3%) case files evaluated where violations were issued, abatement documentation was lacking, including 11 of 28 (39%) cases with abatement noted as corrected during inspection lacked documentation of CSHO observation or verification of abatement.

Status: A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2025 comprehensive FAME. This finding will be continued.

Finding FY 2024-03 (FY 2023-04): OSHSB's regulations for residential construction fall protection are not at least as effective (ALAE) as OSHA's regulations, as required by 29 CFR 1953.5(a).

Status: Discussion has continued between OSHA and OSHSB to work towards amending the Construction Safety Orders to ensure they are at least as effective as federal OSHA standards. Phase I of the regulatory proposal is focused on amendments to sections 1671.1, 1716.2, 1730 and 1731. This package has been approved by the Office of Administrative Law (OAL) and filed with Secretary of State. The effective date is July 1, 2025. OSHSB will next focus on Phase II

amendments to sections 1669, 1670, 1671, 1724. The first Advisory Meeting for Phase II-Fall Protection in Construction to seek stakeholder input was held in May 2025.

Finding FY 2024-04 (FY 2023-05): State Plan-initiated rulemaking promulgated standards on commercial diving are not ALAE as OSHA's standard.

Status: There has been no change to the California standards on commercial diving. Several discussions were held with OSHSB regarding the definition of technical diving and some exceptions that are not at least as effective as the federal commercial diving standards, but rulemaking to address these items has not been initiated. This finding remains open.

Finding FY 2024-05 (FY 2023-06): The State Plan program has not adopted changes at least as effective as the Federal Walking-Working Surfaces standards which became effective January 17, 2017.

Status: On May 4, 2018, OSHSB staff published a Notice proposing to adopt in segments the Federal walking-working surfaces regulation/incorporate them into California regulations via a Horcher. However, based on comments received this proposal was withdrawn on February 17, 2019. As a result, OSHSB staff has held multiple advisory committee meetings to ensure impacted industry stakeholders provide input and share with our agency possible impact costs. To date, five separate Advisory Committee Meetings have been held (October 2022, Feb 2023, Oct 2023, March 2024 and October 2024). Formal rulemaking documents will be developed when the Advisory Committee process concludes. The notice is anticipated to be posted January 2027 with an effective date of April 2028. This finding remains open.

Closed Findings

Finding FY 2023-02: Cal/OSHA's citation lapse time was 78.95 days for safety inspections, above the high end of the FRL range of 66.28.

Status: SAMM 11 is a measure that describes the average amount of time between the opening conference date and the issuance of a citation, which is relevant because citation issuance provides formal notice to the employer that hazard correction is required. Cal/OSHA has raised that a significant percentage of the violations it identified are corrected by employers prior to the issuance of a citation, also known as "corrected during inspection." In FY 2024, a total of 8,578 violations out of 13,410 (64%) were coded as Corrected During Inspection, which was 64% of all violations issued. Cal/OSHA has contended that the difference in days between the opening conference and the abatement dates is more relevant than lapse time as defined in this measure. OSHA reviewed the data and determined that Cal/OSHA performance on lapse time is not an ALEA issue. As a result, this finding is closed.

Finding FY 2023-07: Cal/OSHA has not adopted measures at least as effective as CPL 03-00-008, the Revised Combustible Dust National Emphasis Program.

Status: The state of California has a Combustible Dusts standard as part of their General Industry Safety Orders, whereas OSHA does not have a standard. The state standard is more stringent than the OSHA Directive. As a result, this finding is closed. OSHA will continue to monitor Cal/OSHA's response to federal program changes.

Observations

Continued FY 2023 Observations

Observation FY 2024-OB-01 (FY 2023-OB-04): In FY 2023, in four of 24 (16.7%) fatality case files reviewed, there was no evidence that required Next-of-Kin letters had been sent.

Status: A case file review is necessary to gather the facts needed to evaluate progress on this observation. OSHA will review a selection of fatality case files during the FY 2025 Comprehensive FAME to ensure that Next-of-Kin letters are being included as appropriate. This observation remains open.

Closed FY 2023 Observations

Observation FY 2023-OB-01: Programs funded through the 23(g) grant experienced staffing shortages of up to a 35% vacancy rate.

Status: The Department of Industrial Relations has made progress in addressing staffing levels in its units associated with the 23(g) grant. As of December 31, 2024, Cal/OSHA's vacancy rate has improved by 34% (from 35% to 23%) from what was reported on the 2023 FAME. As a result, this observation is closed.

Observation FY 2023-OB-02: The average time to open an inspection for a non-fatal injury was 16.5 working days.

Status: Cal/OSHA is required by their Labor Code to conduct onsite inspections for each non-fatal injury. OSHA is not required to conduct an inspection, and discretion is given to decide if an inspection is warranted. The state requirement leads to an increase in the average time to open an inspection. Further, Cal/OSHA classifies employer-reported serious injury reports as fatalities/catastrophes in OIS, where OSHA enters them as referrals. There is not a SAMM metric that summarizes this data, nor is there an associated further review level. As a result, this observation is closed.

Observation FY 2023-OB-03: Responses to investigations by letter were received an average of 38.6 working days from the original request by Cal/OSHA.

Status: This was discussed during quarterly meetings. OSHA will monitor information related to complaint investigations in the next review period using the new, re-negotiated FY 2025 SAMM metrics. As there is no further review level for this metric, this observation is closed.

Observation FY 2023-OB-05: Cal/OSHA conducted health sampling in 0.5% of their enforcement inspections.

Status: This was discussed during quarterly meetings. As there is no further review level for this metric, this observation is closed.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon Further Review Level (FRL), which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2024 SAMM Report and includes the FRLs for each measure.

The California State Plan was outside the FRL on the following SAMMs that have not been previously addressed in this report:

SAMM 5b – Average Number of Violations per Inspection with Violations by Violation Type (Other)

Discussion of State Plan Data and FRL: The FRL for average number of violations per inspection with violations by violation type (other) is +/- 20% of the three-year national average of 0.94 which equals a range of 0.75 to 1.12. Cal/OSHA's average number of other violations was above the FRL range at 2.23.

Explanation: It is not surprising that this data falls above the FRL due to the state's ability to issue citations to employers for unique state-specific standards. This included deficiencies related to safety and health programs or not ensuring safety committees and/or meetings were held. These violations tend to be classified as other than serious, increasing the average number of these violations per inspection. Performance on this measure indicates that compliance officers identified more other than serious hazards than the national average. OSHA will continue to monitor this data through the SAMM report, and violation classification will be a focus during the FY 2025 Comprehensive FAME case file review.

SAMM 6 – Percent of Total Inspections in State and Local Government Workplaces

Discussion of State Plan Data and FRL: The FRL for SAMM 6, percent of total inspections in state and local government workplaces, is +/- 5% of the planned 5.98% inspections in the 23(g) grant application. Cal/OSHA conducted 4.79% inspections of public sector workplaces and was below the FRL range of 5.68% to 6.28%.

Explanation: The State Plan fell outside of the FRL on this metric in part because they exceeded their total inspection goal, achieving 6,436 total inspections compared to a goal of 5,850. Cal/OSHA's negotiated goal for SAMM 6 was 350 inspections (175 health and 175 safety) or 5.98% of the total 5,850 inspection goal. Cal/OSHA conducted 308 total inspections in state and local government workplaces, which represented 5.36% compared to the 5,850-inspection goal and was only slightly below the range of the FRL. This result was not a cause for concern and OSHA will continue to monitor this metric during quarterly meetings.

SAMM 7 – Planned v. Actual Inspections

Discussion of State Plan Data and FRL: The FRL for SAMM 7, planned versus actual number of inspections, is +/- 5% of the planned number of safety (SAMM 7a) and health (SAMM 7b) inspections in the 23(g) grant application. Cal/OSHA planned to conduct 4,675 safety inspections and 1,175 health inspections. Cal/OSHA conducted 5059 safety inspections (above the FRL range of 4,441 to 4,909) and 1,377 health inspections (above the FRL range of 1,116 to 1,234).

Explanation: Cal/OSHA conducted more inspections than anticipated.

SAMM 8 – Average Current Serious Penalty in Private Sector

Discussion of State Plan Data and FRL: The FRL for SAMM 8, average current serious penalty in private sector is +/- 25% of the three-year national average of \$3,793.81 for all employers for a range of \$2,845.36 to \$4,742.27. Cal/OSHA averaged \$8,331.29 in current serious penalty and was above the upper end of the FRL range. This SAMM is further broken down by employer size and Cal/OSHA's average current serious penalty for each employer size segment was significantly above 125% of the three-year national average (SAMM 8a, 8b, 8c, 8d).

Explanation: The California State Plan's use of higher penalties was designed to have a deterrent effect.

SAMM 10 – Percent of Work-related Fatalities Responded to in One Workday

Discussion of State Plan Data and FRL: The FRL for SAMM 10, percent of work-related fatalities responded to in one workday, is fixed at 100%. In FY 2024, Cal/OSHA responded to 183 of 198 (92.42%) of fatalities within one workday.

Explanation: Cal/OSHA provided a response to all fatalities that took more than one day to respond. Explanations included data misclassifications, data entry errors, or new information received that changed the classification of the inspection. In one of 198 total fatality inspections (less than 1%) a reasonable explanation for an untimely response was not provided. OSHA will continue to monitor this metric during quarterly meetings.

SAMM 12 – Percent Penalty Retained

Discussion of State Plan Data and FRL: The FRL for SAMM 12, percent penalty retained, is +/- 15% of the three-year national average of 70.81% for a range of 60.19% to 81.44%. Cal/OSHA retained 92.86% of penalties, above the upper end of the FRL range.

Explanation: According to the SAMM report, Cal/OSHA retained penalties higher than the national average for employers that did not contest their citations. This was related to California having a smaller pool of private sector inspections that were not contested. OSHA has frequent discussions with Cal/OSHA regarding this data and is not a cause for concern.

SAMM 13 – Percent of Initial Inspections with Worker Walk-around Representation or Worker Interview

Discussion of State Plan Data and FRL: The FRL for SAMM 13, percent of initial inspections with worker walk-around representation or worker interview, is fixed at 100%. In FY 2024, employees were included in 99.74% of initial inspections conducted by Cal/OSHA.

Explanation: The small percentage of inspections that did not contain employee representation was likely due to data entry oversights by new compliance officers. Performance on this measure does not rise to the level of an observation.

Appendix A – New and Continued Findings and Recommendations
FY 2024 California Division of Occupational Safety and Health Follow-up FAME Report

FY 2024-#	Finding	Recommendation	FY 2023-# or FY 2023-OB-#
FY 2024-01	The average number of serious, willful, repeat, or unclassified (SWRU) violations issued was 0.67 (SAMM 5a) violations per inspection. This was below the lower end of the Further Review Level (FRL) range (1.40 violations per inspection).	Cal/OSHA should determine the underlying cause for the low number of serious, willful, repeat, and unclassified violations, and implement corrective actions.	FY 2023-01
FY 2024-02	In FY 2023, in 20 of 73 (27.3%) case files evaluated where violations were issued, abatement documentation was lacking, including 11 of 28 (39%) cases with abatement noted as corrected during inspection lacked documentation of CSHO observation or verification of abatement.	Cal/OSHA should establish a plan to work with district and regional managers to ensure policies and procedures for the documentation of the abatement of hazards are adequate to demonstrate hazards have been abated and that policies and procedures are followed.	FY 2023-03
FY 2024-03	OSHSB's regulations for residential construction fall protection are not at least as effective (ALAE) as OSHA's regulations as required by 29 CFR 1953.5(a).	OSHSB should ensure their standards on residential construction fall protection are ALAE as OSHA's standards.	FY 2023-04
FY 2024-04	State Plan-initiated rulemaking promulgated standards on commercial diving are not ALAE as OSHA's standard.	California's commercial diving standard should be updated to ensure it is ALAE as OSHA's standard.	FY 2023-05
FY 2024-05	The State Plan program has not adopted changes at least as effective as the Federal Walking-Working Surfaces standards which became effective January 17, 2017.	The State Plan program has not adopted changes at least as effective as the Federal Walking-Working Surfaces standards which became effective January 17, 2017.	FY 2023-06

Appendix B – Observations Subject to Continued Monitoring
FY 2024 California Division of Occupational Safety and Health Follow-up FAME Report

Observation # FY 2024-OB-#	Observation# FY 2023-OB-# or FY 2023-#	Observation	Federal Monitoring Plan	Current Status
FY 2024-OB-01	FY 2023-OB-02	The average time to open an inspection for a non-fatal injury was 16.5 working days.	OSHA will review the response time on at least a quarterly basis and include discussion of the monitoring in quarterly meetings with the State Plan.	Continued
Not Applicable	FY 2023-OB-01	Programs funded through the 23(g) grant experienced staffing shortages of up to a 35% vacancy rate.	OSHA will review program staffing on at least a quarterly basis and include discussion of the monitoring in quarterly meetings with the State Plan.	Closed
Not Applicable	FY 2023-OB-03	Responses to investigations by letter were received an average of 25.9 working days from the original request by Cal/OSHA. Late responses were 13.8 working days late on average. Where inspections were initiated due to employer non-response, initiation occurred an average of 12.9 working days after the response due date.	OSHA will review response times and follow-ups on at least a quarterly basis and include discussion of the monitoring in quarterly meetings with the State Plan.	Closed

Observation # FY 2024-OB-#	Observation# FY 2023-OB-# or FY 2023-#	Observation	Federal Monitoring Plan	Current Status
Not Applicable	FY 2023-OB-04	In four of 24 (16.7%) fatality case files reviewed, there was no evidence that required Next-of-Kin letters had been sent. OSHA will review a selection of fatality case files during the FY 2024 Follow-up FAME to ensure that Next-of-Kin letters are being included as appropriate.	OSHA will review a selection of fatality case files during the FY 2024 Follow-up FAME to ensure that Next-of-Kin letters are being included as appropriate.	Closed
Not Applicable	FY 2023-OB-05	Cal/OSHA conducted health sampling in 0.5% of their enforcement inspections, versus a national rate of 4.3%.	OSHA will review inspections with sampling on at least a quarterly basis and include discussion of the monitoring in quarterly meetings with the State Plan.	Closed

Appendix C - Status of FY 2023 Findings and Recommendations
FY 2024 California Division of Occupational Safety and Health Follow-up FAME Report

FY 2023-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2023-01	The average number of serious, willful, repeat, or unclassified (SWRU) violations issued was 0.67 (SMM 5a) violations per inspection. This was below the lower end of the FRL range (1.40 violations per inspection).	Cal/OSHA should determine the underlying cause for the low number of serious, willful, repeat, and unclassified violations, and implement corrective actions.	Cal/OSHA is engaging the DIR Internal Audit team to conduct a root cause analysis related to the average number of serious, willful, repeat, or unclassified (SWRU) violations per inspection and why this continues to be lower than the FRL range. Once the Internal Audit team issues recommendations, Cal/OSHA will evaluate and take the appropriate steps for implementation. The Internal Audit team has added this engagement to the audit backlog and will begin in August 2024 and have a tentative report date of January 2025.	Not Completed	Open 03/06/2025
FY 2023-02	Cal/OSHA's citation lapse time was 78.95 days for safety inspections, above the high end of the FRL range of 66.28.	Cal/OSHA should establish a plan to work with district and regional managers to improve safety citation lapse time and maintain the current progress on health citation lapse time.	In addition to the root cause analysis identified above, the DIR Internal Audit team will conduct a comprehensive review of each field office to determine if any trends exist related to citation lapse time. Furthermore, Cal/OSHA is continuing a hiring campaign to ensure adequate staffing levels for handling the volume of inspections and citations. The Internal Audit team has added this engagement to the audit backlog	Not Applicable	Closed 03/06/2025

Appendix C - Status of FY 2023 Findings and Recommendations
FY 2024 California Division of Occupational Safety and Health Follow-up FAME Report

FY 2023-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2023-03	In 20 of 73 (27.3%) case files evaluated where violations were issued, abatement documentation was lacking, including 11 of 28 (39%) cases with abatement noted as corrected during inspection lacked documentation of CSHO observation or verification of abatement.	Cal/OSHA should establish a plan to work with district and regional managers to ensure policies and procedures for the documentation of the abatement of hazards are adequate to demonstrate hazards have been abated and that policies and procedures are followed.	Cal/OSHA will create a training module for Regional Managers, District Managers, and Sr. Safety Engineers to review the proper steps for verifying the abatement documentation is adequate and included in the case file before signing off on a citation. Inspectors will be trained and instructed to include documentation that illustrates (i.e. removal/ destruction of equipment, photographs of correction, documentation of a written plan, etc.) abatement of hazards visually verified as corrected by the inspector during the inspection in their case file. Inspectors will explain to employers the advantages of immediate abatement, including (1) that there are no certification requirements for violations quickly corrected during inspections and (2) penalty reductions for serious violations. Inspectors will submit these findings to the District Manager/Sr. Safety Engineer for review and approval after conducting an exit conference with the employer. This practice will be followed until the District Manager is satisfied that the inspector demonstrates a comprehensive and full understanding of the policy and procedure documentation of abatement requirements. Furthermore, each quarter the Regional Manager will select a sample of case files from each district office to	Not Completed	Open 03/06/2025

Appendix C - Status of FY 2023 Findings and Recommendations
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FY 2023-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
			ensure accurate abatement documentation is included in the case files.		
FY 2023-04	OSHSB's regulations for residential construction fall protection are not at least as effective (ALAE) as OSHA's regulations, as required by 29 CFR 1953.5(a).	OSHSB should ensure their standards on residential construction fall protection are ALAE as OSHA's standards.	OSHSB proposed regulatory changes to become ALAE as OSHA's standards. OAL published the notice of proposed rulemaking in the California Regulatory Notice Register on December 1, 2023, and OSHSB held a public hearing on January 18, 2024. OSHSB proposed additional modifications at the request of OSHA and the first 15-Day Notice closed on Apr 22, 2024. A 2nd 15-Day Notice was just proposed, and the comment period will close on July 15, 2024. This proposal will be scheduled for consideration and adoption at a future business meeting (no later than November 2024) of the Standards Board. The requested effective date is January 2026.	Not Completed	Open 03/06/2025
FY 2023-05	State Plan-initiated rulemaking promulgated standards on commercial diving are not ALAE as OSHA's standard.	California's commercial diving standard should be updated to ensure it is ALAE as OSHA's standard.	OSHSB staff worked with OSHA to finalize proposed language (draft regulatory proposal). OSHSB staff has been preparing the Stage I documents and finalizing the economic impact costs estimated for this proposal, prior to submitting it for initial approval by the Labor and Workforce Development Agency no later than December 2024. It is anticipated that the regulatory package will be finalized by December 2024. Once initial approval is granted, OAL will publish the notice of proposed rulemaking in the California Regulatory Notice Register and it will proceed	Not Completed	Open 03/06/2025

Appendix C - Status of FY 2023 Findings and Recommendations
FY 2024 California Division of Occupational Safety and Health Follow-up FAME Report

FY 2023-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
			to OSHSB for public hearing, Board consideration and adoption. OAL approval would then be in December 2025 with a requested effective date in April 2026.		
FY 2023-06	The State Plan program has not adopted changes at least as effective as the Federal Walking-Working Surfaces standards which became effective January 17, 2017.	OSHSB should ensure their standards on walking-working surfaces are at least as effective as the Federal requirements.	On May 4, 2018, OSHSB staff published a Notice proposing to adopt in segments the Federal walking-working surfaces regulation/incorporate them into California regulations via a Horcher. However, based on comments received this proposal was withdrawn on February 17, 2019. As a result, OSHSB staff has held multiple advisory committee meetings to ensure impacted industry stakeholders provide input and share with our agency possible impact costs. To date, five separate Advisory Committee Meetings have been held (Feb 2020, October 2022, Feb 2023, Oct 2023 and March 2024). Once the AC process is complete, the formal rulemaking documents will be developed. Due to the size of the Federal walking-working surfaces regulation, OSHSB staff anticipates that additional Advisory Committees (AC) meetings will be held. The next AC meeting will be held in October 2024. Formal rulemaking documents will be developed when the AC process concludes. The notice is anticipated to be posted January 2027 with an effective date of April 2018.	Not Completed	Open 03/06/2025

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FY 2024 California Division of Occupational Safety and Health Follow-up FAME Report

FY 2023-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2023-07	Cal/OSHA has not adopted measures at least as effective as CPL 03-00-008, the Revised Combustible Dust National Emphasis Program.	Cal/OSHA should adopt CPL 03-00-008 or measures at least as effective as those within the directive.	This directive has been designated as a high-priority project and assigned to a Senior Safety Engineer with an estimated date of February 2025.	Not Applicable	Closed 03/06/2025

Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report

FY 2024 CAL/OSHA Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	13.52	3	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	6.51	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	22.33	1	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	10.92	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	99.53%	100%	The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5a	Average number of violations per inspection with violations by violation type (SWRU)	0.66	+/- 20% of 1.74	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.39 to 2.08 for SWRU.
5b	Average number of violations per inspection with violations by violation type (other)	2.23	+/- 20% of 0.94	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75 to 1.12 for OTS.

Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report

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SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
6	Percent of total inspections in state and local government workplaces	4.79%	+/- 5% of Grant 5.98%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 5.68% to 6.28%.
7a	Planned v. actual inspections (safety)	5,059	+/- 5% of Grant 4,675	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 4,441 to 4,909 for safety.
7b	Planned v. actual inspections (health)	1,377	+/- 5% of Grant 1,175	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 1,116 to 1,234 for health.
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$8,331.29	+/- 25% of \$3,793.81	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,845.36 to \$4,742.27.
8a	Average current serious penalty in private sector (1-25 workers)	\$5,475.00	+/- 25% of \$2,498.51	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,873.88 to \$3,123.14.
8b	Average current serious penalty in private sector (26-100 workers)	\$8,715.61	+/- 25% of \$4,322.61	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,241.96 to \$5,403.26.
8c	Average current serious penalty in private sector (101-250 workers)	\$10,920.21	+/- 25% of \$6,114.84	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,586.13 to \$7,643.55.
8d	Average current serious penalty in private sector (greater than 250 workers)	\$11,532.79	+/- 25% of \$7,533.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$5,650.19 to \$9,416.98.
9a	Percent in compliance	28.91%	+/- 20% of 32.83%	The further review level is based on a three-year national average. The range

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SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
	(safety)			of acceptable data not requiring further review is from 26.27% to 39.40% for safety.
9b	Percent in compliance (health)	44.90%	+/- 20% of 44.18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.34% to 53.01% for health.
10	Percent of work-related fatalities responded to in one workday	92.42%	100%	The further review level is fixed for all State Plans.
11a	Average lapse time (safety)	81.52	+/- 20% of 56.02	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 44.82 to 67.23for safety.
11b	Average lapse time (health)	74.84	+/- 20% of 67.21	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 53.77 to 80.65 for health.
12	Percent penalty retained	92.86%	+/- 15% of 70.81%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 60.19% to 81.44%.
13	Percent of initial inspections with worker walk-around representation or worker interview	99.74%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	N/A	N/A	This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025.
15	Percent of 11(c) complaints that are meritorious	N/A	N/A	This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025.
16	Average number of calendar days to complete an 11(c)	N/A	N/A	This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY

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SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
	investigation			2025.
17	Percent of enforcement presence	0.79%	+/- 25% of 1.00%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75% to 1.25%.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2024, as part of OSHA's official end-of-year data run.