

OSHA Updates –

What you need to know now and how to stay current:

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April 13, 2017



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Content Disclaimer

- The information presented is general in nature and is intended to present an overview of employment practices. The written and verbal contents of the presentation are not intended to constitute consulting and/or advice and no client relationship is established between the presenter and attendees.



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Agenda:

- Statistics – How are Employees Getting Hurt
- OSHA Inspection Criteria – Why and when may OSHA visit you
- What will happen if OSHA does a visit
- OSHA Procedure Manuals; plan for no surprises!
- Cal OSHA – High Hazard Industry List
- Federal OSHA National Emphasis Program
- What is new – Cal OSHA
- What is new Federal OSHA
- At the end of the day: Its all about “Effective Training”
- Recommended Next Steps



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First Things First...

How and why are our employees getting hurt, and why is it important that we know this?



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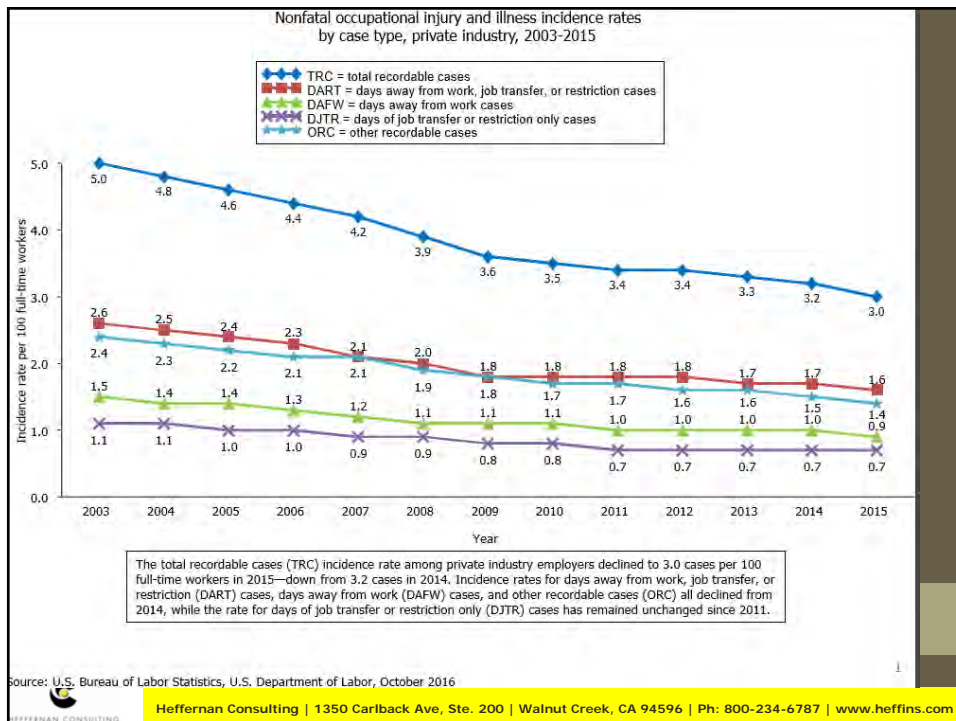
Polling Question #1

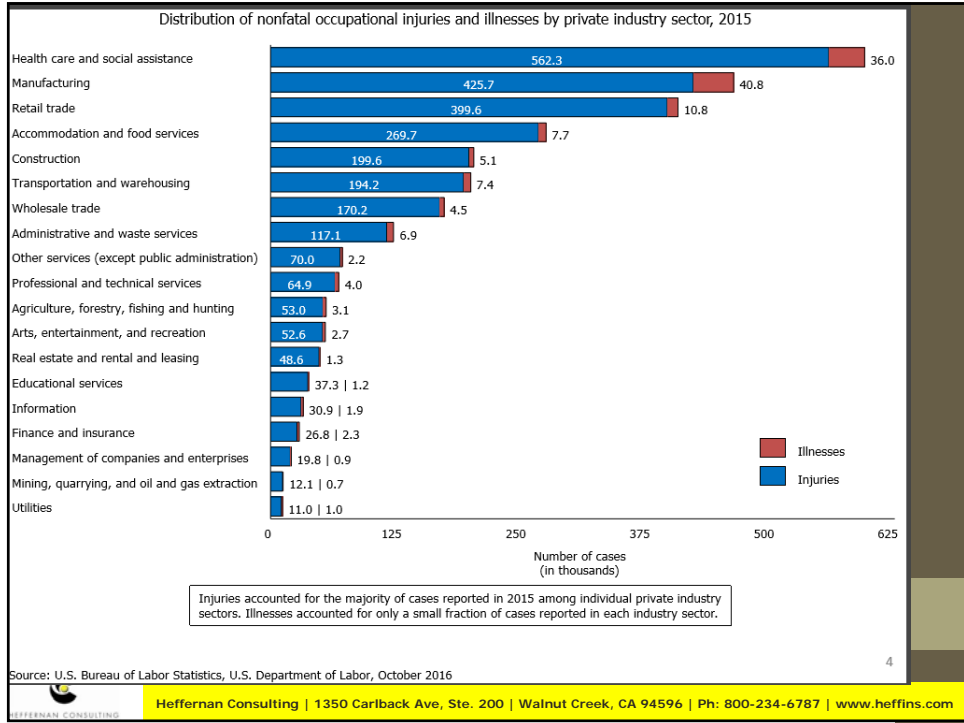
What is the leading cause of workplace deaths in the United States?

- a) Bad Coffee!
- b) Slips, Trips, Falls!
- c) Explosions, Chemicals, Fire!
- d) Homicide!
- e) Driving; Transportation related!

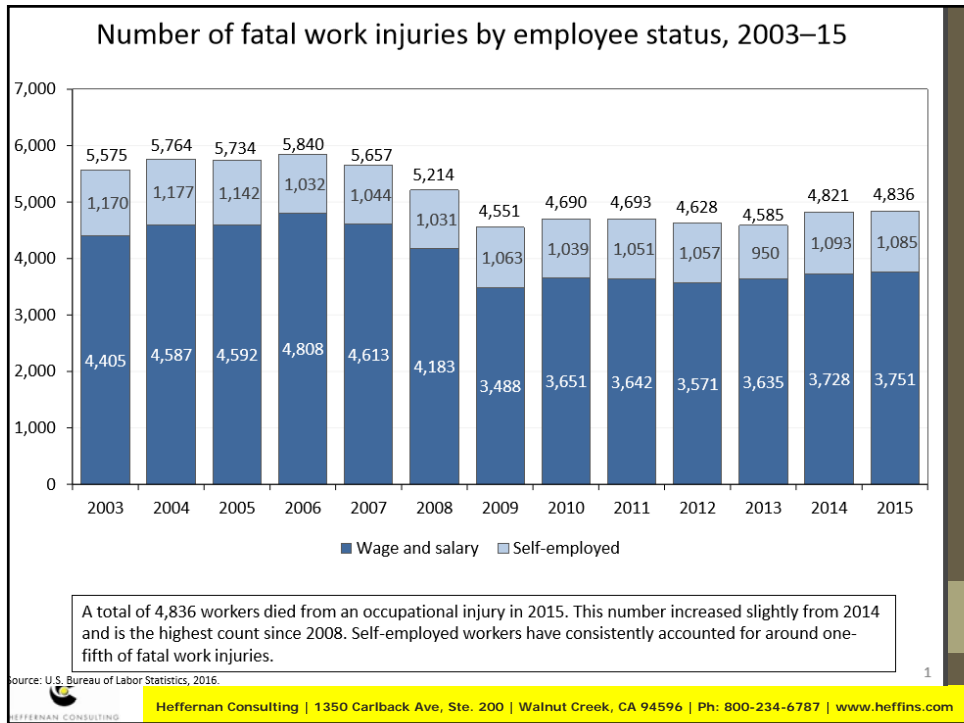


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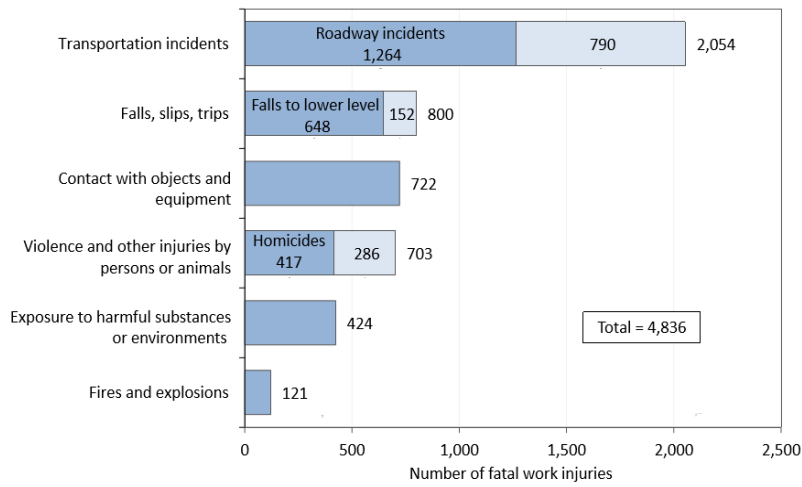


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Fatal occupational injuries by major event, 2015

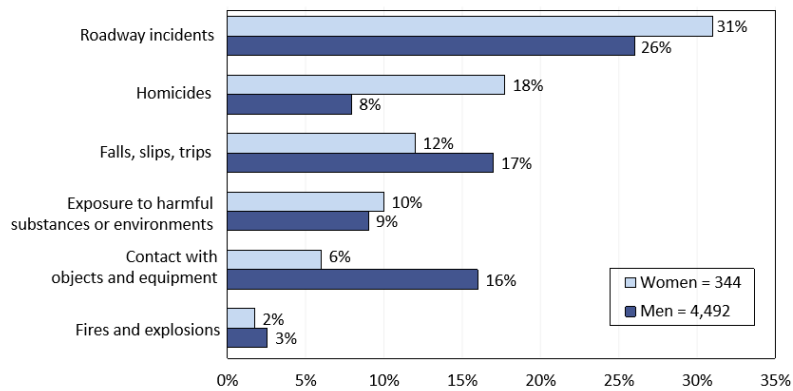


More fatal work injuries resulted from transportation incidents than from any other event in 2015. Roadway incidents alone accounted for about one out of every four fatal work injuries.

Source: U.S. Bureau of Labor Statistics, 2016.

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Distribution of fatal injury events by gender of worker, 2015

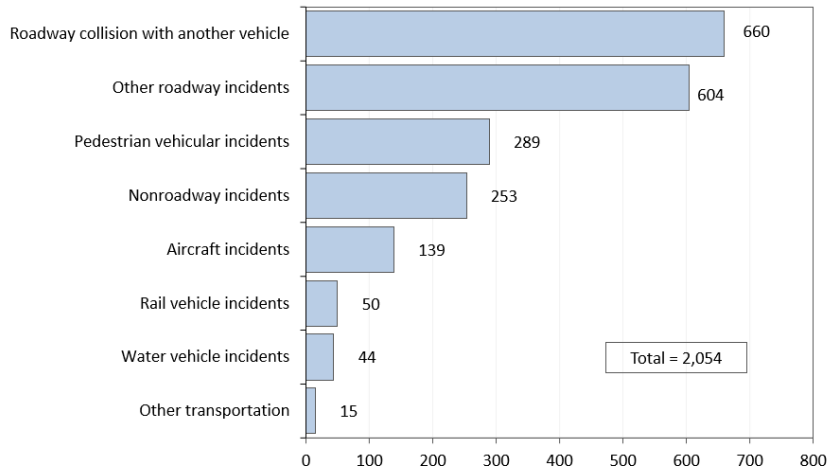


Women experienced a higher proportion of fatal injuries due to roadway incidents and homicides relative to men. Men incurred a higher proportion of injuries from falls, slips, and trips and contact with objects and equipment. Men and women experienced similar proportions of fatal injuries from exposure to harmful substances or environments and from fires and explosions.

Note: Percentages may not add to 100 due to rounding.
Source: U.S. Bureau of Labor Statistics, 2016.

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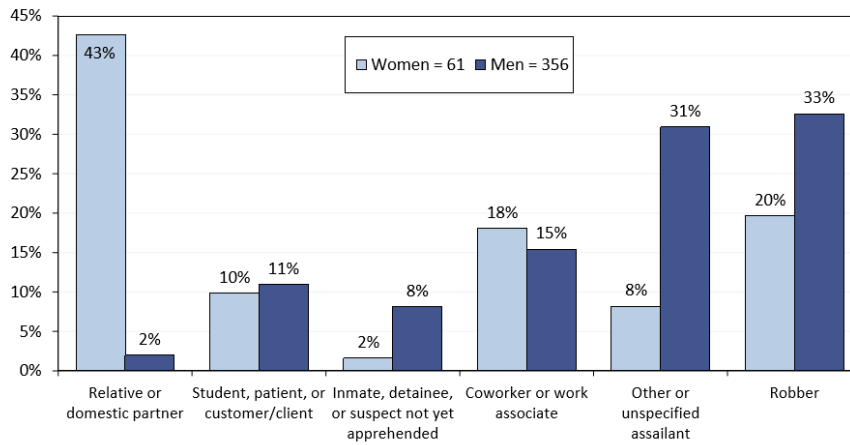
Fatal occupational injuries due to transportation incidents, 2015



Transportation incidents increased from 1,984 in 2014 to 2,054 in 2015. Roadway incidents consistently account for the greatest share of fatal work-related transportation injuries. Of these, 660 fatal injuries, or 32 percent of the total transportation incidents, resulted from a roadway collision with another vehicle.

Source: U.S. Bureau of Labor Statistics, 2016.

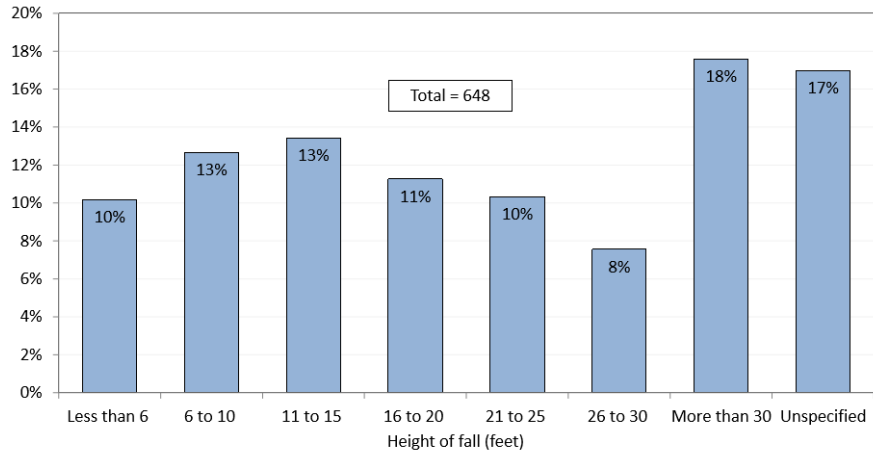
Percent of work-related homicides by gender of decedent and assailant type, 2015



Robbers were the most common type of work-related homicide assailant for men and the second-most common for women. The most frequent type of assailant in work-related homicides involving women was a relative or domestic partner.

Note: Percentages may not add to 100 due to rounding.
Source: U.S. Bureau of Labor Statistics, 2016.

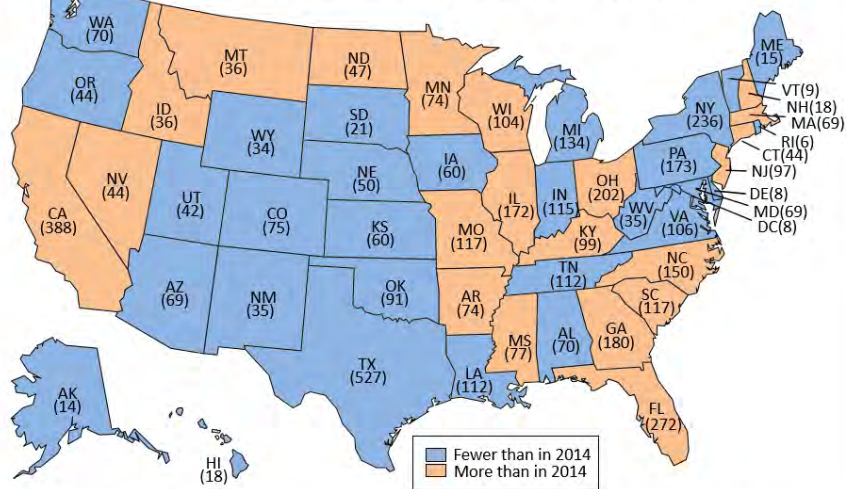
Percent of fatal falls to lower level by height of fall, 2015



In 2015, the total for falls to lower level was 648 fatal work injuries, down 2 percent from the count for 2014. Of the cases where height of fall was known (538 cases), more than 2 out of every 5 fatal falls were falls of 15 feet or less. About one in five cases with a known height involved falls from more than 30 feet.

Note: Percentages may not add to 100 due to rounding.
Source: U.S. Bureau of Labor Statistics, 2016.

Number of fatal work injuries by state, 2015



Twenty-one states had more fatal injuries in 2015 than in 2014. Twenty-nine states and the District of Columbia had fewer fatal workplace injuries in 2015 compared to 2014.

Source: U.S. Bureau of Labor Statistics, 2016.

Summary of 2015 Injury Statistics

<https://www.bls.gov/iif/oshcfoiL.htm#rates>

- There were approximately 2.9 million nonfatal workplace injuries and illnesses reported by private industry employers in 2015.
- The 2015 rate continues a pattern of declines that, apart from 2012, occurred annually for the last 13 years.
- Workplace fatalities are higher than they have since 2011.
- **More fatal work related injuries resulted from transportation / Homicide incidents than any other event in 2015.**



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Polling Question #2

Should our company have an OSHA inspection
we are well prepared to meet the OSHA
compliance officer.

- a) Yes, we're ready! Bring it on!
- b) No! we're not sure what to do.
- c) MAYBE, it depends on who is at work that day.
- d) I don't know, yikes!



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California and Fed OSHA States are Same Criteria

https://www.osha.gov/OshDoc/data_General_Facts/factsheet-inspections.pdf

Inspections of workplaces in the following order of priority:

1. **Imminent danger situations** —hazards that could cause death or serious physical harm
2. **Fatalities and catastrophes** —incidents that involve a death or the hospitalization of three or more employees
3. **Complaints**—allegations of hazards or violations
4. **Referrals of hazard** information from other federal, state or local agencies, individuals, organizations or the media receive consideration for inspection.
5. **Follow-ups** —checks for abatement of violations cited during previous inspections
6. **Planned or programmed investigations**— inspections aimed at specific **high-hazard industries** or individual workplaces that have experienced high rates of injuries and illnesses— also receive priority.



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When OSHA comes calling.....

Unless there is an investigation regarding a death or serious injury, you will not know they are coming...

The OSHA inspection protocol includes the following:

- An inspector first **identifies him or herself and requests permission to conduct the inspection**. The employer is legally entitled to deny the inspection. If inspection is denied, Cal/OSHA requests a court warrant ...
- Upon **obtaining permission to conduct an inspection**, the inspector first discusses with the employer **his/her rights and responsibilities** during an inspection, as well as what happens during the inspection process;



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- An inspector walks and reviews the employer's premises and **interviews employees;**
- An inspection is concluded with another discussion that includes what **hazards were identified; if citations will be issued.**
- They have **6 months to issue citations.**
- Always contest the citations; **you have 15 days from notice.**
- They will ask for your:
 - OSHA 300 Log
 - Employments posters – **FILL THEM IN!**
 - Applicable written Programs



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OSHA Policy & Procedure Manuals

Cal OSHA Policy and Procedure manual

- <https://www.dir.ca.gov/samples/search/querypnp.htm>

Federal OSHA – Field Operations Manual (FOM)

- https://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-160.pdf



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<http://www.dir.ca.gov/dosh/documents/hhu-list-2016-2017.pdf>

FFY 2016 – 2017 HIGH HAZARD INDUSTRY LIST

Industry Group	NAICS	Industry	DART	Establishments	Employees
Agriculture	1111	Oilseed and grain farming	11.8	719	3328
	1112	Vegetable and melon farming	5.0	923	33377
	112 ^{1,2}	Animal production and aquaculture	5.6	2585	28140
Construction	23611	Residential building construction	6.5	18311	94369
	23813	Framing contractors	6.1	702	16382
	23814	Masonry contractors	7.4	1185	10455
	3112 [†]	Grain and oilseed milling	4.4	91	4198
Manufacturing	3113	Sugar and confectionery product manufacturing	5.0	195	5901
	311423	Dried and dehydrated food manufacturing	4.4	60	3587
	311514	Dry, condensed, and evaporated dairy product manufacturing	4.6	35	1018
	31161	Animal slaughtering and processing	6.1	321	21500
	31183	Tortilla manufacturing	5.0	116	6310
	31199	All other food manufacturing	5.5	269	11633
	31211	Soft drink and ice manufacturing	6.2	180	12369
	321918	Other millwork (including flooring)	4.5	138	2993
		Resin, synthetic rubber, and artificial			
	3252 [†]	synthetic fibers and filaments manufacturing	5.3	156	3382
	32739	Other concrete product manufacturing	4.6	125	5023
	3312 ³	Steel product manufacturing from purchased steel	4.7	80	2570
	3314 ⁴	Nonferrous metal (except aluminum) production and processing	4.5	89	2708
	331511	Iron foundries	4.9	27	775
	331523	Nonferrous metal die-casting foundries	5.8	28	947
	332313	Plate work manufacturing	7.0	100	1402
	332323	Ornamental and architectural metal work manufacturing	6.8	246	3188
	3326	Spring and wire product manufacturing	6.3	135	3069
	33311	Agricultural implement manufacturing	12.7	120	3361
	334514	Totalizing fluid meter and counting device manufacturing	5.8	26	854
3351 [†]	Electric lighting equipment manufacturing	5.3	282	7141	
3352 [†]	Household appliance manufacturing	6.6	66	1803	
3366	Ship and boat building	4.5	116	7598	
33711	Wood kitchen cabinet and countertop manufacturing	4.8	799	8716	

Are you on the High Hazard Industry List for 2016-2017



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FFY 2016 – 2017 HIGH HAZARD INDUSTRY LIST

Retail Trade	4529	Other general merchandise stores	4.4	2823	140480
Transportation and Warehousing	481 ^{†,‡}	Air transportation	7.0	506	43946
	485 ⁺	Transit and ground passenger transportation	4.3	1864	40745
	492	Couriers and messengers	5.9	1709	62412
Administrative and Support and Waste Management and Remediation Services	56173	Landscaping services	4.3	7883	82176
	562	Waste management and remediation services [†]	4.9	2034	46329
Health Care and Social Assistance	623 ^{1,2}	Nursing and residential care facilities	4.4	8490	275299
Arts, Entertainment, and Recreation	71392	Skiing facilities	5.7	23	3519
Accommodation and Food Services	72111	Hotels (except casino hotels) and motels	4.3	5247	201050
Other Services (except Public Admin.)	81291	Pet care (except veterinary) services	10.1	1435	9420

This list was established pursuant to Labor Code 6401.7(e)(3)(A). The private sector average "DART" (Days Away, Restricted and Transferred) rate in 2014 was 2.1. Cal/OSHA's High Hazard Industry threshold is >200% of the private sector average, or >4.2.

Exceptions: The following NAICS will not be targeted; DARTs are ≤200% of Private sector average

(1)	1124	Sheep and goat farming	N.A.	91	465
(2)	1129	Other animal production	2.7	362	2304
(3)	331221	Rolled steel shape manufacturing	N.A.	18	315
(4)	33141	Nonferrous metal (except aluminum) smelting and refining	N.A.	9	80
(5)	4812	Nonscheduled air transportation	1.8	241	3455
(6)	562112	Hazardous waste collection	2.7	75	3871
(7)	6232	Residential intellectual and developmental disability, mental health, and substance abuse facilities	3.2	2443	45010
(8)	6239	Other residential care facilities	3.0	783	14300

[†] Within other industry groups and industry subsectors listed above, the following individual industries may be exempt from Cal/OSHA programmed inspections if they meet the requirements under the federal Appropriations Act (CPI 02-00-05):

NAICS	Industry	NAICS	Industry
311221	Wet Corn Milling	335210	Small Electrical Appliance Manufacturing
311224	Soybean and Other Oilseed Processing	335228	Other Major Household Appliance Manufacturing
325211	Plastics Material and Resin Manufacturing	337920	Blind and Shade Manufacturing
335110	Electric Lamp Bulb and Part Manufacturing	481211	Nonscheduled Chartered Passenger Air Transportation
335129	Other Lighting Equipment Manufacturing	481212	Nonscheduled Chartered Freight Air Transportation
		485320	Limousine Service



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Federal OSHA Calls It the - NEP National Emphasis Program

- Program for Automotive Services [PDF]
 - asis Program for Workplace Violence Hazards at Residential Intellectual and Developmental Disability
 - Program for Wood Manufacturing and Processing Facilities [PDF]
- V. and American Samoa, Guam and Northern Mariana Islands)
- Program for Amputations [PDF]
 - Program for Programmed Construction Inspections [PDF]
 - Program (LEP) for Warehousing Operations [PDF]
 - Program (LEP) for Ship and Boat Building and Repair [PDF]
 - Program for Inspections of Smelters [PDF]
 - Program (LEP) for Federal Agencies [PDF]
 - Program for Combustible Dust [PDF]
 - Program for Silica and Portland Cement Exposures [PDF]
 - Program for Hotels, Casinos and/or Casino Hotels [PDF]
 - Program for Inspections of Longshoring Activity [PDF]
 - Program for Retail Facilities [PDF]
- 'A)
- Program for Logging in Idaho [PDF]
 - Program for Floating Seafood Processors [PDF]
 - Program for Off-Shore Oil and Gas Drilling Platforms [PDF]
 - Program: Shipyard Employment Operations [PDF]
 - Program for Logging Operations under Federal Jurisdiction in Oregon and Washington [PDF]
 - asis Program for Federal Agencies [PDF]
 - Program for Construction [PDF]
 - Program for Casinos and/or Casino Hotels at Native American Reservations or American Trust Land
 - Program for Inspections in the Grain Handling Industry [PDF]
 - asis Program for Inspections of Longshoring Activity [PDF]
 - Program for Powered Industrial Trucks [PDF]
 - asis Program for Cranes used in Construction, General Industry and Maritime Employment [PDF]



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Federal OSHA – What’s New -

<https://www.osha.gov/pls/publications/publication.html>

<https://www.osha.gov/dep/index.html>

ABOUT OSHA - WORKERS - EMPLOYERS - NEWS

HOT TOPICS

- Recent Industry Alerts/Letters
 - Autonomous Vehicle Safety
 - Surface Drilling Operations (SDO)
 - Electromagnetic Interference (EMI)
 - Construction Sites in Storm Prone Areas
 - Crane Lifts and Demolition Sites
 - Trucks, Tractors
 - Silica in Fabrication
 - All American Letters to Employers
- Enforcement Initiatives
 - Crane Lifts
 - Trucks, Tractors
 - Trucks, Tractors
 - Tacticals: Alerts
- Targeted Enforcement
 - Recent National Emphasis Programs (NEPs)
 - Automotive (SD)
 - Autism
 - ALSLITA
 - Auto Enthusiast Programs
 - Severe Violators (SEVP)
 - SEVP Log - Quarterly Update
 - Case Law (12/13/2016 - 1/21/17)
 - Follow-ups (9/24/2016 - 1/21/17)
 - SEVP Manual & OIR One
 - SEVP Manual & OIR Reviews
 - SEVP Manual & OIR Handbook
 - SEVP Database OIR
 - SEVP Manual Case File (PDF)
 - Recent Compliance Directives
 - Manual Communications (PDF)
 - Residential Construction (PDF)
 - Shanghai Construction (PDF)
 - Tenting
 - Automotive (SD) (PDF)
 - Press Releases of Some Significant Enforcement Cases
 - Significant Cases
 - Construction Programs, LLC
 - Case: Construction, LLC
 - General Handling Systems/Nett Techs
 - Autism
 - Auto Enthusiast
 - Autism
 - Other Significant or Novel Cases
 - Case: Employment Systems
 - EMC/Case
 - Case: Fabrication, Inc.
 - Tenting Case
 - Case: Construction
 - All Enforcement Press Releases



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Occupational Safety and Health Administration

RESOURCES - EMPLOYERS - REGULATIONS - ENFORCEMENT - TOPICS - NEWS & PUBLICATIONS - DATA

OSHA ENFORCEMENT

Under the OSH Act, employers are responsible for providing a safe and healthful workplace. OSHA's mission is to assure safe and healthful workplaces by setting and enforcing standards and by providing [training](#), outreach, education and [assistance](#). This page contains information about OSHA's enforcement activities. If you have questions, need additional information, want to file a complaint, or would like to contact OSHA, please call [1-800-321-OSHA](tel:1-800-321-OSHA) (6742). You can also e-mail us your questions ([e-mail OSHA](mailto:e-mail.OSHA)). It's confidential. We are here to help.



Topics:

- [Compliance As...](#)
- [Fact Sheet C...](#)
- [Frequency A...](#)
- [Maritime Co...](#)
- [Quick Start C...](#)
- **Enforcement D...**
- [Annual \(FY\) 2009 | 2010 |](#)
- [Corporate S...](#)
- [Enforcement](#)
- [Fatality Rep...](#)
- **High Penalty Ca...**
- [Search Case](#)
- [Lists of Signi...](#)
- [FY16 Ca...](#)
- [FY17 Ca...](#)
- [Highest Issued F...](#)
- [OSHA Data Initia...](#)
- [Search Inspectio...](#)
- [Top 10 Standard](#)
- **Enforcement Polic...**
- [Administrative Pr...](#)
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- [Anti-retaliation](#)
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Occupational Safety and Health Administration

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OSHA to delay enforcing crystalline silica standard in the construction industry

<https://www.osha.gov/Publications/OSHA3681.pdf>

- April 6, 2017 -
- **WASHINGTON** - The U.S. Department of Labor's [Occupational Safety and Health Administration](#) today announced a delay in enforcement of the [crystalline silica standard](#) that applies to the construction industry to conduct additional outreach and provide educational materials and guidance for employers.
- The agency has determined that additional guidance is necessary due to the unique nature of the requirements in the construction standard. **Originally scheduled to begin June 23, 2017, enforcement will now begin Sept. 23, 2017.**

The standard provides flexible alternatives, especially useful for small employers

- Establish and implement a **written exposure control plan** that **identifies tasks that involve exposure and methods used to protect workers**, including procedures to restrict access to work areas where high exposures may occur.
- **Designate a competent person** to implement the written exposure control plan.
- **Restrict housekeeping practices** that expose workers to silica where feasible alternatives are available.
- **Offer medical exams—including chest X-rays and lung function tests—every three years** for workers who are required by the standard to wear a respirator for 30 or more days per year.
- **Train workers** on work operations that result in silica exposure and ways to limit exposure.
- **Keep records** of workers' silica exposure and medical exams



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Electronic Recordkeeping Rule

- Delayed for now: <https://www.osha.gov/recordkeeping/index.html>

The House of Representatives voted 231-191 to overturn a portion of the Occupational Safety and Health Administration's (**OSHA**) new **electronic recordkeeping rule**.

Several companies have filed suit claiming the new requirements are burdensome and could expose confidential information.

Proponents contend making the records public will push industries to increase safety due to the transparency.



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Employee's right to report injuries and illnesses free from retaliation

- The rule includes *three* provisions that are intended to address this issue:
- (1) An employer's procedure for reporting work-related injuries and illnesses must be reasonable and must not deter or discourage employees from reporting
- Does the procedure make reporting so difficult or complicated that a **reasonable employee** would be discouraged from reporting an injury or illness? For example, if an employee must travel a significant distance to report or must report the same injury or illness multiple times to multiple levels of management the procedure would not be reasonable.



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- (2) Employers must inform employees of their right to report work-related injuries and illnesses free from retaliation
- This rule requires employers to inform employees that they have a right to report work-related injuries and illnesses free from retaliation by their employer (at 29 CFR 1904.35(b)(1)(iii)). The purpose of this requirement is to improve employee and employer understanding of their rights and responsibilities related to the reporting of occupational injuries and illnesses.
- Employers can meet this requirement by posting the current version of the OSHA poster or by otherwise informing their employees of their right to report work-related injuries and illnesses free from retaliation. **For example, employers could also meet this requirement by providing a written or e-mail notice to each employee.**



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(3) An employer may not retaliate against employees for reporting work-related injuries or illnesses

Section 11(c) of the OSH Act already prohibits employers from retaliating against employees for reporting work-related injuries or illnesses.

This rule explicitly incorporates the prohibition against retaliation into Section 1904.35 of the recordkeeping rule with respect to retaliation against employees for reporting work-related injuries or illnesses (at 29 CFR 1904.35(b)(1)(iv)). The purpose of this provision is to improve the completeness and accuracy of injury and illness data by allowing OSHA to issue citations to employers who retaliate against their employees for reporting an injury or illness and thereby discourage or deter accurate reporting of work-related injuries or illnesses.



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What's New Cal OSHA -

- <http://www.dir.ca.gov/title8/5120.html> - Health Care Worker Back and Musculoskeletal Injury Prevention

http://www.dir.ca.gov/dosh/dosh_publications/Safe-Patient-Handling-for-Web-fs.pdf

1. In what settings does the Safe Patient Handling regulation apply?

The regulation applies to all patient care units that are part of a “**general acute care hospital**” (GACH) in California, except for hospitals operated by the Department of Corrections and Rehabilitation or the Department of Developmental Services.

In addition, the regulation does not apply to subacute care units that are licensed separately as a “distinct part.”



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What's New Cal OSHA -

- <http://www.dir.ca.gov/title8/3212.html> - Fall Protection for Work Around Skylights - **Jul. 1, 2016**

(b) Floor and roof opening covers shall be designed by a qualified person and **be capable of safely supporting the greater of 400 pounds or twice the weight of the employees,** equipment and materials that may be imposed on any one square foot area of the cover at any time.

Covers shall be secured in place to prevent accidental removal or displacement, and shall bear a pressure sensitized, painted, or stenciled sign with legible letters not less than one inch high, stating: **"Opening -Do Not Remove."** Markings of chalk or keel shall not be used.



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How to Stay Informed

- Cal-OSHA - <http://www.dir.ca.gov/dosh/EmployerInformation.htm>

Research and Education

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Cal/OSHA publications are now only available by download or, they may be picked up at a Cal/OSHA office if the publications are available. Please check with the Cal/OSHA office first because quantities are limited. All workplace postings can still be ordered from www.dir.ca.gov/wp.asp.

Cal/OSHA Consultation eTools - Electronic products for safety and health are available from www.dir.ca.gov/dosh/etools/etools to assist employers and employees. Cal/OSHA Consultation Service recognizes the value of providing information through the internet and other formats. Included are eTools with Action Kits (consisting of various practical multi-media products such as videos, Cds, publications, or Powerpoint presentations).

New June 2016	Safe Patient Handling in California English (for online viewing) English pdf English (for printing) English pdf
New May 2016	Tree Work Safety Guide English English pdf

See the categories listed below. To view a publication, click on the category, then click on the link following the title of the publication. Before you download a publication, first note the file size, page length, and the format. Larger publication files, like those with many pages and photos, will download more slowly depending on your internet connection speed. Some formats are more suited for professional printing than others.

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- Construction
- Construction Ergonomics
- Consultation
- Electrical
- Environmental Tobacco Smoke
- Ergonomics
- Fact Sheets
- Janitors
- Lockout/Blockout
- Lockout/Tagout - Methods and Sample Procedures
- Noise
- Posters
- Recordkeeping
- Respiratory Protection
- Restaurant Safety
- Stress



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Section 3207 and 3212.
Fall Protection for Work Around Skylights -
Jul. 1, 2016

(e) Any employee approaching within 6 feet of any skylight shall be protected from falling through the skylight or skylight opening by any one of the following methods:

- (1) **Skylight screens installed above** the skylight
- (2) **Skylight screens installed below** the skylight
- (3) **Guardrails meeting** the requirements of Section 3209
- (4) **The use of a personal fall protection system**
- (5) **Covers, including the skylight itself**
- (6) **Skylight nets**



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What's New Cal OSHA -

Section 334(d). Classification of Violations and Definition – Repeat -

Jan. 1, 2017 -

<https://www.dir.ca.gov/title8/334.html>

(d) Repeat Violation - is a violation where the employer has abated or indicated abatement of an earlier violation occurring **within the state** for which a citation was issued, and upon a later inspection, the

Division finds a violation of a **substantially similar regulatory requirement** and issues a citation within a **period of five years** immediately following the latest of: (1) the date of the final order affirming the existence of the previous violation cited in the underlying citation; or (2) the date on which the underlying citation became final by operation of law. For violations other than those classified as repeat regulatory, the subsequent violation must involve essentially similar conditions or hazards.

What's New Cal OSHA -

[Http://www.dir.ca.gov/title8/3342.html](http://www.dir.ca.gov/title8/3342.html) - Workplace
Violence Prevention in Health Care - **Apr. 1, 2017** -

(1) Scope. This section applies to work in the following health care facilities, service categories, and operations:

- (A) Health facilities, as defined below;
- (B) Home health care and home-based hospice;
- (C) Emergency medical services and medical transport, including these services when provided by firefighters and other emergency responders;
- (D) Drug treatment programs;
- (E) Outpatient medical services to the incarcerated in correctional and detention settings.



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“Health facility”

- 1) General acute care hospital
- (2) Acute psychiatric hospital
- (3) Skilled nursing facility
- (4) Intermediate care facility
- (5) Intermediate care facility/developmentally disabled habilitative
- (6) Special hospital
- (7) Intermediate care facility/developmentally disabled
- (8) Intermediate care facility/developmentally disabled-nursing
- (9) Congregate living health facility
- (10) Correctional treatment center
- (11) Nursing facility
- (12) Intermediate care facility/developmentally disabled-continuous nursing (ICF/DD-CN)
- (13) Hospice facility



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4 Types of Workplace Violence

1. **“Type 1 violence”** means workplace violence committed by a person who has no legitimate business at the work site, and includes violent acts by anyone who enters the workplace with the intent to commit a crime.
2. **“Type 2 violence”** means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors or other individuals accompanying a patient.
3. **“Type 3 violence”** means workplace violence against an employee by a present or former employee, supervisor, or manager.
4. **“Type 4 violence”** means workplace violence committed in the workplace by someone who does not work there, but has or is known to have had a personal relationship with an employee.



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1: This section does not apply to the following facilities operated by the California Department of Developmental Services (DDS) and scheduled to close by the end of 2021:

- (1) Porterville Developmental Center General Treatment Area;
- (2) Fairview Developmental Center; and
- (3) Sonoma Developmental Center.

These facilities shall still comply with Section 3203 during the closure process. Any DDS facility or portion of a DDS facility that is not closed by the end of 2021 or is not planned to be closed by the end of 2021 must comply with this section.

EXCEPTION: 2: This section shall not apply to facilities operated by the California Department of Corrections and Rehabilitation. **These facilities shall still comply with Section 3203.**



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New Section 3342. Workplace Violence Prevention in Health Care - Apr. 1, 2017

- Written Workplace Violence Prevention Plan
- Modeled on BBP/ATD Exposure Control Plan
- Violent Incident Log
- Reporting of Violent Incidents
- Specialized training



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Not Really OSHA related but: Reporting to your Insurer First Aid Claims

- Effective Jan. 1, 2017, the insurance commissioner approved amendments to the California Workers' Compensation Uniform Statistical Reporting Plan – 1995 (USR) to clarify the reporting requirements for small, medical-only or "first aid" claims.

The reason for this clarification is the WCIRB had concerns that employers (and thus insurance carriers) were under-reporting small medical-only or "first aid" claims which reportedly caused unfairness within experience ratings. By not reporting the claim, the WCIRB indicated it limited an injured worker's access to medical benefits, thereby creating difficulties in managing a claim that may later deteriorate.



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OSHA on Training

<https://www.osha.gov/dep/standards-policy-statement-memo-04-28-10.html>

Employer's Training Obligation

Many OSHA standards require that employees receive training so that work will be performed in a safe and healthful manner. Some of these standards require "**training**" or "**instruction**" others require "**adequate**" or "**effective**" training or instruction, and still others require training "in a manner" or "in language" that is understandable to employees.

It is the Agency's position that, regardless of the precise regulatory language, the terms "train" and "instruct," as well as other synonyms, **mean to present information in a manner that employees receiving it are capable of understanding.**

In practical terms, this means that an employer must instruct its employees using both a **language and vocabulary that the employees can understand.**



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Enforcement Guidance for OSHA Compliance Officers – Employer Training

For example, CSHOs should look to whether workplace instructions regarding job duties are given in a language other than English and determine whether the employer already is transmitting information with comprehensibility in mind. CSHOs should also look beyond any basic paper documentation; **i.e, an employer may have training records but employees may not have been able to understand the elements included in the training.**

If the compliance officer determines that a deficiency exists in the employer's training program, he/she must document evidence of any barriers or impediments to understanding, as well as any other facts that would demonstrate that employees were unable to understand the training and apply it to their specific workplace conditions.

If a **reasonable person** would conclude that the employer had not conveyed the training to its employees in a manner **they were capable of understanding, then the violation may be cited as serious** if it is within the guidelines set out in the FOM.



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Next Steps –

- Conduct Job Hazard Analysis for Key Jobs
- Review employee training records and ensure everyone has been trained “on the hazards of their job”, and can “recognize hazards or unsafe conditions”.
- Make sure written programs are in place that are reflective of the workplace;
- Conduct regular facility inspections, involve employees, correct hazards, provide feedback to staff after inspections.
- Conduct Safety Leadership classes with managers and supervisors; safety coaches, mentors, protectors, visionaries.

Join industry associations and stay current on OSHA related aspects of your Industry.



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Helpful Links

- Cal OSHA
 - <http://www.dir.ca.gov/dosh/>
 - <http://www.dir.ca.gov/title8/index/T8index.asp>
 - <http://www.dir.ca.gov/dosh/PubOrder.asp>
 - http://www.dir.ca.gov/dosh/DOSH_Archive.html
 - <http://www.dir.ca.gov/dosh/citation.html>
- National Institute of Safety and Health Publications
 - <http://www.cdc.gov/niosh/pubs/default.html>
- Federal OSHA
 - <http://www.osha.gov/pls/publications/pubindex.list>
 - <https://www.osha.gov/dep/index.html>
- State of Washington Publications
 - <http://www.lni.wa.gov/Safety/Research/Pubs>
- CDC Pubs
 - <http://www.cdc.gov/publications.htm>
- State of Oregon Publications
 - <http://www.orosha.org/standards/publications.html>



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Discussion and Questions

Thank You!

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