



# What to expect on a Cal/ OSHA Inspection

William Krycia MPH, CIH

Cal/OSHA





# What to expect on a Cal/OSHA Inspection

- Overview
- Types of inspections
- Inspection basics
- Items of interest, agriculture
- Appeals rights and procedures



# What to expect on a Cal/OSHA Inspection

- Overview
  - Cal/OSHA
    - Consultation
      - At employer request, no penalties
      - Area office
    - Enforcement
      - Enforce Title 8, penalties
        - District office
        - LETF (Labor Enforcement Task Force)
        - High Hazard Unit
        - Pressure Vessel
        - Process Safety Management



# What to expect on a Cal/OSHA Inspection

- Types of inspections
  - Complaint
  - Accident
  - Self-referral or “Programmed”



# What to expect on a Cal/OSHA Inspection

- Complaint
  - Formal
    - Site inspection
  - Informal
    - May get “letter” in lieu of inspection unless heat/water related
      - Still critical to respond to a letter



# What to expect on a Cal/OSHA Inspection

- Accident
  - Either based on your report of a serious accident \*
    - First responder report
    - News media report
    - Family/concerned individual/organization
  - Timely, direct response
  - Additional documents
    - Doctor's first report
    - Manuals, training records, sds's
    - Programs: lock out tag out, right to know, heat prevention, confined space, respirator, etc.



# What to expect on a Cal/OSHA Inspection

- Self-referral or “Programmed”
  - LETF does programmed, everyone else does “self-referral”
    - Old term: “sweep”
  - Self directed based on surveillance
    - May focus on a particular industry in a geographic area
    - Utilize key visual indicators
      - May still initiate inspection when visual indicators suggest compliance
  - Weather (heat) driven
    - NOAA NWS heat watch, warning, or special weather statement



# What to expect on a Cal/OSHA Inspection

- Cal/OSHA Inspection 101:
  - The approach
  - The Opening Conference
  - Document Request
  - Site Visit
  - Employee Interviews
  - Photos, samples
  - Exit Conference
  - Closing Conference
  - Appeals procedures





# What to expect on a Cal/OSHA Inspection

- The approach:
  - Direct if complaint or accident
  - Possibly indirect on coordinated inspection
    - Dependent, to a degree, on site surveillance



# What to expect on a Cal/OSHA Inspection

- The opening conference
  - ID
  - Explain the purpose and scope of the inspection
  - Employee rights <http://www.dir.ca.gov/dosh/Complaint.htm>
  - Walk around
  - Review IIPP, poster



# What to expect on a Cal/OSHA Inspection

- The opening conference
  - ID worker's comp provider/ ex-mod if applicable
  - Review log 300
  - Permits, registrations, licenses, variances
  - Is specialized PPE needed to conduct inspection
  - Consent to inspect



# What to expect on a Cal/OSHA Inspection

- Document request
  - Heat Illness Prevention Plan
    - **Provided upon request at the site**
  - IIPP
    - Provided within a reasonable time to csho
      - Does not have to be on site\*



[www.dir.ca.gov/DOSH](http://www.dir.ca.gov/DOSH)

**DOCUMENT REQUEST**

EMPLOYER: \_\_\_\_\_ DATE: \_\_\_\_\_ Postmark by: \_\_\_\_\_

EMPLOYER CONTACT: \_\_\_\_\_ Cal OSHA Inspector: \_\_\_\_\_

As discussed during the inspection on \_\_\_\_\_, it has been determined that copies of the following documents are required for review. Please provide the Cal OSHA inspector with the required copies by the "postmark" date noted above. If the copies are not provided by that date, it will be interpreted as an admission that the documents do not exist, and possible citations and monetary penalties could result.

- |   | Federal ERID No./ |             |
|---|-------------------|-------------|
| <input type="checkbox"/> Licenses & Permits: ? Business License ? State ER Tax ID No. ? CSLB ? Garment Reg. ? Farm Labor Contractor |                   | Rec'd _____ |
| <input type="checkbox"/> Facility Layout (floor plan, evacuation routes, etc) _____   |                   | Rec'd _____ |
| <input type="checkbox"/> OSHA Log 300 (from _____ to _____) § CCR 14301   |                   | Rec'd _____ |
| <input type="checkbox"/> OSHA 5020 (Employer's First Report of Injury) _____  |                   | Rec'd _____ |
| <input type="checkbox"/> DWC Form 1 (Worker's Compensation Claim)   |                   | Rec'd _____ |
| <input type="checkbox"/> Worker's Compensation Insurance Carrier  |                   | Rec'd _____ |
| <input type="checkbox"/> Injury and Illness Prevention Program (written safety program) § CCR 3208                                  |                   | Rec'd _____ |
| <input type="checkbox"/> Safety Inspection Records  |                   | Rec'd _____ |
| <input type="checkbox"/> Employee Training Records  |                   | Rec'd _____ |
| <input type="checkbox"/> Safety Committee Meeting Minutes   |                   | Rec'd _____ |
| <input type="checkbox"/> Heat Illness Prevention Program § CCR 3395   |                   | Rec'd _____ |
| <input type="checkbox"/> First Aid Kit approval § CCR 3400  |                   | Rec'd _____ |
| <input type="checkbox"/> Emergency Action Plan § CCR 3220   |                   | Rec'd _____ |
| <input type="checkbox"/> Fire Prevention Plan § CCR 3221  |                   | Rec'd _____ |
| <input type="checkbox"/> Hazard Communication Program § CCR 5194  |                   | Rec'd _____ |
| <input type="checkbox"/> Material Safety Data Sheets, for _____   |                   | Rec'd _____ |
| <input type="checkbox"/> Respiratory Protection Program § CCR 5144  |                   | Rec'd _____ |
| <input type="checkbox"/> Hearing Conservation Program (Noise) § CCR 5097  |                   | Rec'd _____ |
| <input type="checkbox"/> Exposure Control Plan / Bloodborne Pathogens § CCR 5198  |                   | Rec'd _____ |
| <input type="checkbox"/> Workplace Exposure Records Monitoring Results  |                   | Rec'd _____ |
| <input type="checkbox"/> Chemical Hygiene Plan § CCR 5191   |                   | Rec'd _____ |
| <input type="checkbox"/> Carcinogen Registration § CCR Article 110  |                   | Rec'd _____ |
| <input type="checkbox"/> Permits / Variances, for _____   |                   | Rec'd _____ |
| <input type="checkbox"/> Maintenance Records of Equipment   |                   | Rec'd _____ |
| <input type="checkbox"/> Safety Instructions / Equipment Manuals  |                   | Rec'd _____ |
| <input type="checkbox"/> _____  |                   | Rec'd _____ |
| <input type="checkbox"/> _____  |                   | Rec'd _____ |



# What to expect on a Cal/OSHA Inspection

- Site visit
  - Looking for hazards
  - Looking for employees
    - “exposure”
    - For interview
  - Establish process “flow”
  - Establish that required elements present
    - Toilets, drinking water, guards, shade, etc.\*
  - Evaluate complaint items
  - Evaluate accident items



# What to expect on a Cal/OSHA Inspection

- Employee interviews
  - On every inspection
    - Establish employer employee relationship or direction and control
    - Contact info
    - Length of employment, job title
    - Training
    - Awareness of IIPP, responsible person
    - Other pertinent questions if complaint/accident
      - E.g. Were you here that day, what did you see, who else was here, what was said, etc.



# What to expect on a Cal/OSHA Inspection

- Photos, samples
  - Photos and video's on every inspection
    - Highlight both compliant and non-compliant items, establish and document scene/work process; exposure
  - Samples or direct readings
    - To establish exposure levels, content, materials stressors/failures; etc.
    - Temperature at site over various times
    - Remember there is a possibility of a citation if employer fails to evaluate worksite, either under IIPP, T8 5155, or other applicable section.





# What to expect on a Cal/OSHA Inspection

- Exit conference
  - Summary report to the employer on what was found, what was established, what might require further evaluation. Should also review documents requested.



# What to expect on a Cal/OSHA Inspection

- Closing conference
  - Scheduled with the employer
    - In person or by phone
    - Formal review of inspection and results
      - Citations, abatements, penalties, rights of appeal
      - In compliance report



# What to expect on a Cal/OSHA Inspection

- Appeals procedures
  - Always remember timely response is critical
  - Informal conference with District Manager
  - Pre-hearing conference with ALJ from Appeals Board
  - Formal hearing with Appeals Board
- OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
- 2520 Venture Oaks Way, Suite 300
- Sacramento, CA 95833
- (916) 274-5751
- FAX (916) 274-5785



# What to expect on a Cal/OSHA Inspection

- Informal conference
- Following receipt of a citation or notice, an employer may request a discussion with the Cal/OSHA district manager. An informal conference is conducted within 10 working days of citation issuance. If an appeal is filed, the conference may be held any time prior to the scheduled date of an appeal.
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- The employer may discuss requests for extension of abatement dates, and presentation of evidence which indicates that no violation exists, or that the proposed penalties are inappropriate.
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# What to expect on a Cal/OSHA Inspection

- Appeals procedures
  - Now online!
    - Press release on October 4, 2016
    - New system named “OASIS”
    - Website: <http://www.dir.ca.gov/OSHAB/oshab.html>



# What to expect on a Cal/OSHA Inspection

- Appeals procedures
- What is OASIS? OASIS is the Occupational Safety and Health Appeals Board's free, online scheduling and information system. OASIS allows employers to appeal citations issued by the Occupational and Safety and Health Division ("Division") of the Department of Industrial Relations ("DIR").
- Anyone may register to use OASIS. Registered OASIS users may locate a particular appeal by searching on an employer's name, or by Division inspection number. Registered users who are case participants may view, submit or download documents in, and may obtain case scheduling information about the appeals in which they are a participant. Registered OASIS users who are not appeal case participants may view only the time and location of an appeal hearing.
- The Occupational Health and Safety Appeals Board ("OSHAB") has designated the electronic appeal case file maintained in OASIS as the official record of all appeals of Division citations.



# What to expect on a Cal/OSHA Inspection

- Appeals procedures
  - Grounds for appeal
    - The safety order was not violated
    - The classification of the violation (i.e. serious, willful, repeat) is incorrect
    - The abatement requirements are unreasonable
    - The proposed penalty is unreasonable



# What to expect on a Cal/OSHA Inspection

- Appeals procedures
  - Affirmative Defense
    - Provided by appellant (you)
    - Must be provided in a timely manner
    - Becomes complicated
    - One key factor is that you must have an IIPP that is implemented





# What to expect on a Cal/OSHA Inspection

- Items of Interest, Agriculture
  - Reference sheets attached to Cal/OSHA P&P C-46
    - <http://www.dir.ca.gov/DOSHPol/P&PC-46.htm>
      - Field Sanitation checklist
      - Agricultural Safety checklist
      - Agricultural Health checklist
      - Note: under revision, do not include heat illness prevention items at this time.



# What to expect on a Cal/OSHA Inspection

- Items of Interest, Agriculture
  - IIPP
    - Written program
    - Required elements
    - Documentation of training
    - Evaluate effectiveness during employee interviews
  - Heat Illness Prevention Program
    - In writing
    - Available upon request in the field
    - Required elements
    - If model program, has it been filled out?



# What to expect on a Cal/OSHA Inspection

- Items of Interest, Agriculture
  - Field Sanitation
    - Toilets, wash water, towels, soap, cleanliness, access
  - Heat Illness Prevention
    - Water
    - Shade
    - Training, employees, supervisors
    - Emergency procedures
    - High heat provisions
    - Updated with May 2015 revisions



# What to expect on a Cal/OSHA Inspection

- Items of Interest, Agriculture
  - Confined Spaces
    - Written program
    - Training
    - Other critical elements of program
  - Tree Work
    - Emphasis program



# What to expect on a Cal/OSHA Inspection

- Items of Interest, Agriculture
  - Tractors and other Ag Equipment
    - Pre use inspections
    - Training
    - Guarding
      - PTO
    - Safe operation
    - Lighting
    - Safe maintenance, repair, adjustment
    - ROPS, including seatbelt



# What to expect on a Cal/OSHA Inspection

- Items of Interest, Agriculture
  - Guarding
    - Pinch points on belts, chains, conveyors, etc.
    - Rotating shafts
    - Electrical
    - Water hazards
  - Chemical hazards
    - Exposure limits
    - Eye, face, skin protection
    - Eyewash and showers
  - Noise



# What to expect on a Cal/OSHA Inspection

- Various checklists out there, make sure they're suited for your job.
- Don't just rely on a pre-printed checklist
  - Remember your duty under your IIPP!
- Think “best practice” and remember the regulations are the bottom line
  - As time and the situation permit, please explore the concepts of Total Worker Health, at the Centers for Disease Control and NIOSH: <https://www.cdc.gov/NIOSH/twh/>



# What to expect on a Cal/OSHA Inspection

- Questions?