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Subchapter 7. General Industry Safety Orders  
 Group 3. General Plant Equipment and Special Operations  
 Article 13. Agricultural Operations

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## §3449. Outdoor Agricultural Operations During Hours of Darkness (Between Sunset and Sunrise).

(a) Illumination. Outdoor agricultural operations taking place between sunset and sunrise shall be illuminated at levels no less than the levels stated in Table 1. Illumination levels for task lighting shall be measured at the task/working surface, in the plane in which the task/work surface is present. Illumination levels for area lighting shall be measured at approximately 30 inches above the floor or other horizontal, vertical or sloped surface on or through which the employee walks, works or gains access to a work area.

NOTE: The illumination levels required in Table 1 may be provided by one or more light source (e.g. lamp mounted on equipment, vehicles, or personal hands free portable lighting) or a combination of methods.

(1) The employer shall provide and maintain hands-free portable personal lighting or area lighting or both to employees.

Table 1 - Illumination Levels

<i>Foot-candles</i>	<i>Lux</i>	<i>Operations, Areas or Tasks</i>
0.09-0.19	1-2	Poultry harvesting or catching operations.
3	32.29	Meeting area and meal/rest area.
5	53.82	Outdoor agricultural operations except where otherwise specified in this table.
		Pathways leading to and around restrooms and drinking water.
		Inside restroom facilities.
		Storage areas accessed by employees.
10	107.64	Intermittently exposed or exposed point of operation equipment, covered under
		Group 8. Points of Operation and Other Hazardous Parts of Machinery.
		Operationally visible moving parts of machinery covered under Group 6.
		Power

		Transmission, Prime Movers, and Machine Parts of the General Industry Safety Orders.
		Task lighting for agricultural operations that involve the use of tools that can potentially cause cuts, lacerations, or punctures.
20	215.30	Task lighting for maintenance work on equipment.

NOTES to Subsection (a):

NOTE 1: Area lighting should be set up in a manner that minimizes glare to the workers (selection of lamps, shielding, proper adjustment of the beam angle, glare avoidance screens).

NOTE 2: See Non-mandatory appendix for additional information regarding selecting light sources.

EXCEPTION to Subsection (a): In order to prevent glare while vehicles are traveling on farm roads, additional lighting installed to meet Table 1 does not need to be activated.

(b) Safety meetings. Supervisory employees shall conduct a safety meeting at the beginning of each shift to inform employees of the location of the restrooms, drinking water, designated break areas, nearby bodies of water, and high traffic areas.

NOTE to Subsection (b): Safety meetings are part of the implementation of Section 3203(a)(3).

(c) The employer shall provide and require workers to wear Class 2 high visibility garments meeting the requirements of Section 3380(e) and conforming to specifications of American National Standard for High-Visibility Safety Apparel and Accessories, (ANSI/ISEA) 107-2015, which is hereby incorporated by reference, for work activities between sunset and sunrise.

NOTE to Subsection (c): See Sections 3380, Personal Protective Devices and 3383(b), Body Protection.

### Non-Mandatory Appendix to Section 3449

This Appendix serves as a guide to employers in selecting light sources or lamps.

#### **Wattage**

Wattage is a unit of power, amount of electricity the light bulb will consume. Use a light bulb that is appropriate for the light fixture. Do not use a light bulb that exceeds the maximum wattage on your fixture.

#### **Quantity of Light or Brightness**

Lumens is a unit of luminous flux, a measure of the quantity of visible light emitted by a source.

#### **Beam angle, beam radius, and target distance from the fixture**

Different lamps have different beam angles, from a narrow beam for spot lighting to very wide angle for flood lighting. The brightest output is usually located at the center of the beam. It is important to match the beam angle, beam radius, and target distance to the application of use.

#### **Photopic, Scotopic and Mesopic Vision**

Photopic vision-human colour vision under normal lighting conditions during the day.

Scotopic vision-visual perception in dim light “night vision”. Scotopic vision is more sensitive to blue light.

Mesopic vision-combination of photopic and scotopic vision which takes into account the combination of the higher total sensitivity of the rod cells in the eye for blue range, with the colour perception of the cone cells.

Light sources with a higher S/P ratio are better for night vision because their spectral distribution includes more blue and green light. A higher S/P ratio translates to a higher visually effective lux. A ratio higher than 1 means that the lamp is producing more scotopic lumens than photopic lumens.

General Scotopic/Photopic Ratios of Commercially Available Light Sources

<i>Light Source</i>	<i>S/P ratio</i>
Incandescent	1.36
Fluorescent (3500K)	1.36
Fluorescent (5000K)	1.97
Metal Halide (warm white)	1.20
Metal Halide (daylight)	2.40
High Pressure Sodium	0.65
Low Pressure Sodium	0.25
LED (3500K)	1.39
LED (6000K)	2.18

Source: Lighting Industry Association Technical Statement, Issue 1-05/2013

### (3) Formula to Convert Photopic Readings to Visually Effective Lux

For Ambient Lighting:

$$\text{Lux from photopic light meter} \times (S/P)^{.78} = \text{Visually Effective Lux}$$

Task Lighting:

$$\text{Lux from photopic light meter} \times (S/P) = \text{Visually Effective Lux}$$

### Color Rendering Index

The color rendering index (CRI) is a measure of light source's ability to show object colors “realistically” or “naturally” compared to a familiar reference source, either incandescent light or daylight. The maximum value of CRI index is 100.

A lamp with a high CRI would aid in distinguishing between different surfaces. CRI may be of critical importance to harvesting operations.

<i>Light source</i>	<i>CRI</i>
Low-pressure sodium (LPS/SOX)	-44
Clear mercury-vapor	17
High-pressure sodium (HPS/SON)	24
Coated mercury-vapor	49
Halophosphate warm-white fluorescent	51
Halophosphate cool-white fluorescent	64

Tri-phosphor warm-white fluorescent	73
Halophosphate cool-daylight fluorescent	76
“White” SON	82
Standard LED Lamp	83
Quartz metal halide	85
Tri-phosphor cool-white fluorescent	89
High CRI LED Lamp (Blue LED)	95
Ceramic discharge metal-halide lamp	96
Ultra High CRI LED Lamp (Violet LED)	99
Incandescent/halogen bulb	100

Source: [https://en.wikipedia.org/wiki/Color\\_rendering\\_index](https://en.wikipedia.org/wiki/Color_rendering_index)

### **Life expectancy of the Light Sources**

Compare life expectancies between different light sources. Typically incandescent light bulbs have the shortest life span. LEDs have the longest and fluorescent bulbs are in between.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

### **HISTORY**

1. New section and Appendix filed 6-3-2020; operative 7-1-2020 pursuant to Government Code section 11343.4(b)(3) (Register 2020, No. 23). For prior history, see Register 85, No. 20.

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## § 3441. Operation of Agricultural Equipment.

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### (a) Operating Instructions and Safe Work Practices.

(1) At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all equipment with which the employee is, or will be involved including, instruction on the safe work practices and operating rules provided in subsection (a)(2).

(2) Agricultural equipment shall be operated in accordance with the following safe work practices and operating rules:

(A) Keep all guards in place when the machine is in operation;

(B) Permit no riders on agricultural equipment other than persons required for instruction or assistance in machine operation;

EXCEPTION: to Subsection (a)(2)(B): The operation of agricultural tractor-mounted personnel transport carriers when used, operated and maintained in accordance with subsection (i) of this section.

(C) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case all steps and procedures which are necessary to safely service or maintain the equipment shall be taken;

(D) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;

(E) Lock out electrical power before performing maintenance or service on agricultural equipment. (See Article 3 of the Low-Voltage Electrical Safety Orders.)

NOTE: For overhead electrical hazards see Section 3455 of this article.

(b) All self-propelled equipment shall, when under its own power and in motion, have an operator stationed at the vehicular controls. This shall not prohibit the operator occupying or being stationed at a location on the vehicle other than the normal driving position or cab if controls for starting, accelerating, decelerating and

stopping are provided adjacent and convenient to the alternate position. If the machine requires steering other than ground or furrow steering or operates at ground speeds in excess of two miles per hour, steering controls shall also be provided at the alternate location. Seedling planters and other similar equipment traveling at a speed of two miles an hour or less where a control that will immediately stop the machine is located at the operator's work station will satisfy this requirement.

(1) Furrow guided self-propelled mobile equipment may be operated by an operator not on the equipment provided that all of the following are complied with:

(A) The operator has a good view of the course of travel of the equipment and any employees in the immediate vicinity.

(B) The steering controls, when provided, and the brake and throttle controls are extended within easy reach of the operator's station.

(C) The operator is not over 10 feet away from such controls and does not have to climb over or onto the equipment or other obstacles to operate the controls.

(D) The equipment is not traveling at over two miles per hour ground speed.

(c) Safe access to a safe place for all personnel riding on mobile equipment shall be provided.

(d) All self-propelled equipment shall be equipped with a braking device controlled from the operator's station, capable of preventing the vehicle from moving while parked.

(e) Where mobile farm equipment is towed by a tractor or truck and the tractor or truck driver cannot see the employees on the towed equipment, a positive signaling device shall be installed on the towed equipment, or there shall be a device on the towed equipment that can be actuated to stop the towing equipment in case of an emergency.

(f) Engine exhaust systems shall not be piped into or through an enclosed cab on tractors or other equipment.

(g) All tractors, self-propelled farm equipment, and trucks used between sunset and sunrise shall be equipped with at least one headlight which shall be used to illuminate the area in front of the equipment or truck at least 50 feet. There shall be at least one rear light which shall illuminate equipment at the rear. Additional lighting shall be provided where the operation requires field adjustment or the operator's attention.

NOTE to Subsection (g): See Section 3449 for illumination requirements for working near agricultural equipment during hours of darkness.

(h) Adequate means of access shall be provided so that employees can safely reach the top of the load for manual loading or unloading of high loads.

(i) Tractor-Mounted Personnel Transport Carriers (PTCs).

(1) Use of PTCs shall be allowed only for employees who are installing, removing or maintaining irrigation pipe for low-lying row crops. No other employees shall be allowed to board or ride on PTCs. When the term "tractor" is used in subsection (i), it means "agricultural tractor" as defined in Section 3649.

(2) Employees may ride in PTCs only in the furrowed area of fields while performing irrigation activities.

(3) The slope of the fields where employees ride on a PTC shall not exceed a 5% grade.

(4) PTC Design and Construction.

(A) PTCs shall be approved for their intended use as provided in Section 3206 of these Orders.

(B) For existing PTC units built prior to the effective date of these provisions, January 1, 2016, a qualified person shall inspect and approve the PTC units for structural integrity and design prior to the units being placed into service.

(C) Seat belts shall be installed for all passenger positions on PTCs.

1. Seat belts shall be labeled as meeting the design requirements of the Society of Automotive Engineers (SAE) J386 JUN85 or JUN93 standard, Operator Restraint System for Off-Road Work Machines; or

2. Seat belts shall be equivalent to the tractor operator seat belt provided by the tractor manufacturer.

(D) Sufficient steps and handholds shall be provided on the PTC so that employees can maintain a three-point contact while entering and exiting the PTC.

(E) PTCs shall be designed with a safety chain, door or gate at each passenger entry/exit opening that shall withstand a force of at least 200 pounds, applied vertically downward and horizontally outward on the exit side of the PTC opening. Passenger entry/exit openings shall be kept in the closed and latched position whenever the tractor is in motion.

(F) Each PTC shall have an effective and reliable means of communication by which passengers can relay an emergency signal to the tractor operator. When the tractor operator has a clear line of sight to the PTC passengers, verbal communication meets the requirements of this provision.

(G) Structural elements of the PTC shall be constructed of steel. The strength of the elements shall be sufficient to support the anticipated loads.

(H) All welding or repairs affecting the structural integrity of PTCs shall be performed by a qualified person.

(I) Front ballast shall be used in accordance with the tractor operations manual on all tractors which are equipped with PTCs. The required ballast shall be calculated for each tractor model prior to using the tractor for transporting employees on PTCs.

(J) Seat cushions and back cushions at least 1.5 inches in thickness shall be installed on all PTC sitting benches and their condition shall be inspected as part of the daily inspection. Seat cushions shall cover the sitting area of the bench such that all employees can comfortably sit on the cushion with seat belts fastened. Damaged seat cushions shall be repaired or replaced in a timely manner.

(K) The PTC width shall not extend beyond the outside edges of tractor tires.

(L) The PTC shall be equipped with a shade cover or roof on the top of the unit.

(5) Operating Conditions.

(A) PTCs shall be mounted only on tractors that are equipped with ROPS.

(B) The tractor operator must remain in the operator's seat at all times when employees ride on the PTC and no other persons other than the tractor operator and passengers inside the PTC are permitted on a tractor while in motion. The tractor shall be shut off before the operator dismounts.

(C) Safe speed limits shall be established for the operation of equipment in fields in which PTCs are in use. This limit shall be determined in accordance with anticipated field conditions and shall not exceed five miles per hour.

(D) Employees shall exit the PTC whenever the tractor reaches the end of the row and before the tractor begins to turn. Employees shall not enter the PTC until the tractor has completed its turn and is on a straight path through a row. Employees shall never enter or exit a PTC while the tractor and PTC are in motion.

(E) All passengers in the PTC shall be seated and seat belts shall be worn whenever the tractor is in motion. Passengers are not allowed in the PTC whenever the tractor is operating within 10 feet of the paved edge of a public road.

(F) Employees shall not be permitted on PTCs if the tractor or pipe trailer is within 10 feet (measured from the outside wheel edge) of a ditch, canal, retention pond, unprotected edges of embankments or levees, culvert, excavation, or other similar locations that present an overturn hazard.

(G) Employees shall not ride in PTCs in conditions where tires may lose traction or in muddy locations where the tractor is likely to become mired.

(H) The tractor operator shall bring the tractor to an immediate controlled stop, and employees shall dismount and stand clear of the tractor if any of the following conditions occur:

1. The tractor loses traction or becomes mired.
2. The tractor operator detects an unusual or unsafe condition, including, but not limited to, excessive pitch or yaw, erratic motion, or hazardous surface conditions.
3. The employee(s) in the PTC signal that there is a hazardous condition.

(I) Only tools, implements, or other objects incidental to the work being performed shall be permitted to be carried in occupied PTCs. Such objects shall be placed in a designated location under the seat in the PTC during transport. No object shall be transported in the PTC unless it is fully contained within the designated location. Water bottles, water coolers and personal coolers or lunch boxes shall be permitted in the PTC in a designated location.

#### (6) Inspections.

(A) Prior to daily use, a visual check and inspection of the PTC shall be made by a qualified person that includes examining welds and structural members for signs of stress cracks, condition of the seat belts, safety restraint chains, connection pins and 3-point hitch points to the tractor and connection pins and hitch point for the pipe trailer.

(B) Any PTC with defective parts or damage which creates a hazard shall not be used until the unit has been repaired and re-inspected by a qualified person who has found the PTC in proper condition for use.

#### (7) Training.

(A) Training for all employees involved in irrigation operations using PTCs including tractor operators shall be provided in the safe operating conditions and provisions in this section at or prior to the employee's initial work assignment.

(B) Refresher training shall be provided at least annually. All training shall be documented and made available to the Division upon request. Training records shall be maintained in accordance with the General Industry Safety Orders, Section 3203.

(C) In addition to the training required in subsections (i)(7)(A) and (B), tractor operators shall be trained in the inspection of tractors, PTCs and pipe trailers used in the irrigation operations subject to these provisions.

(D) All training shall be in language(s) understood by all affected employees.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

### **HISTORY**

1. Amendment of subsection (a) filed 1-9-76; effective thirtieth day thereafter (Register 76, No. 2).
2. Repealer and new section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
3. New subsection (a)(6) filed 5-15-85; effective thirtieth day thereafter (Register 85, No. 20).
4. Amendment of subsection (a)(5) and repealer of subsection (a)(6) filed 9-19-2000; operative 10-19-2000 (Register 2000, No. 38).
5. Amendment filed 12-2-2002; operative 1-1-2003 (Register 2002, No. 49).
6. New subsection (a)(2)(B) - Exception and new subsections (i)-(i)(7)(D) filed 9-15-2015; operative 1-1-2016 (Register 2015, No. 38).
7. Amendment of subsection (g) filed 6-3-2020; operative 7-1-2020 pursuant to Government Code section 11343.4(b)(3) (Register 2020, No. 23).

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## § 3437. Definitions.

**Agricultural Equipment.** Tractors or implements, including self-propelled implements, and stationary equipment which are used in agricultural operations.

**Agricultural Operations.** All operations necessary to farming in all of its branches, including maintenance of machinery or other facilities, and the planting, cultivating or growing, keeping for sale, harvesting, transporting on the farm or to the place of first processing, any tree, plant, animal, fowl, fish, insect or products thereof.

**Ballast.** Counterbalance weight designed for the agricultural tractor added to offset the weight of a load or attachment, ensuring proper weight distribution between the front and rear axles.

**Fronde.** As used in Section 3458, the large connected leaf of a date palm tree.

**Ground Driven Components.** Components which are powered by the turning motion of a wheel driven by ground contact as the equipment travels over the ground.

**Guard or Shield.** See Article 37, Section 3941.

**Guarded by Location.** See Article 37, Section 3941.

**Long-handled hand tool.** Any hand-held tool with a handle of four (4) feet or more in length.

**Low-lying row crops.** Produce or fruits such as carrots, lettuce, beets, radishes, celery and strawberries, grown in cultivated fields that are planted in rows and of such a height that does not impede the visibility of the agricultural tractor operator and operators of other vehicles in the area.

**Nip Point.** The mesh or pinch point of in-running surfaces such as gears, belts, sprockets, rolls, etc.

**Pipe Trailer.** A towed implement with one or more wheeled axles designed specifically to transport irrigation pipes.

**Power Take-Off (PTO) Drivelines.** The shafts and universal joints between the tractor, or other power source, and the first gear set, pulley, or sprocket. **Power Take-Off (PTO) Shaft.** The power output shaft protruding from the drive unit of the agricultural equipment.

Self-Propelled Agricultural Equipment. Mobile equipment which is provided with locomotive power as an integral part of the unit.

Short-handled hand tool. Any hand-held tool with a handle of less than four (4) feet in length.

Single-User Toilet Facility. A toilet facility with a locking mechanism, controlled by the user, with one toilet, or one toilet and one urinal.

Tractor-Mounted Personnel Transport Carriers (PTCs). Personnel carrier mounted to a three-point hitch at the rear of an agricultural tractor.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

### **HISTORY**

1. Repealer and new section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 5-15-85; effective thirtieth day thereafter (Register 85, No. 20).
3. Amendment filed 1-5-87; effective thirtieth day thereafter (Register 87, No. 2).
4. New definition of “frond” filed 8-4-2003; operative 9-3-2003 (Register 2003, No. 32).
5. New definitions of “Ballast,” “Low-lying row crops,” “Pipe Trailer” and “Tractor-Mounted Personnel Transport Carriers (PTCs)” filed 9-15-2015; operative 1-1-2016 (Register 2015, No. 38).
6. New definition of “Single-User Toilet Facility” filed 3-3-2020; operative 7-1-2020 (Register 2020, No. 10).

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Chapter 3.2. California Occupational Safety and Health Regulations (CAL/OSHA)  
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## § 336. Assessment of Civil Penalties.

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Civil penalties for Regulatory, General, Serious, Repeat, Willful, and Failure to Abate violations shall be assessed in the following manner:

(a) Regulatory Violation -

(1) In General - Any employer who commits any Regulatory violation (as provided in Section 334(a) of this article) shall be assessed a civil penalty of up to \$14,270 for each such violation. Except as set forth in parts (2) through (6) of this subsection, a minimum proposed penalty of \$500, representing the gravity of the violation, shall be assessed against employers who commit Regulatory violations. The proposed penalty shall be adjusted for Size, Good Faith, and History; however, an abatement credit shall not be granted.

(2) For Carcinogens - A minimum proposed penalty of \$1,000 for all carcinogen standard regulatory violations, other than reporting use violations, representing the gravity of the violation, shall be assessed against the employers who commit such violations. The proposed penalty shall be adjusted for Size, Good Faith and History; however, an abatement credit shall not be granted.

(3) For Carcinogens Failure to Report Use. Any employer who violates a reporting requirement respecting the use of a carcinogen as defined in Title 8 of the California Code of Regulations section 330(f), shall be assessed a minimum proposed civil penalty of \$2,500. The proposed penalty shall be adjusted for Size, Good Faith, and History; however, an abatement credit shall not be granted.

(4) For Violation of Permit or Registration Requirements. Any employer who violates the permit requirements of article 2, Permits - Excavations, Trenches, Construction and Demolition, and The Underground Use of Diesel Engines in Work in Mines and Tunnels, commencing with section 341 of Title 8 of the California Code of Regulations, or the Registration requirements of article 2.5, Registration - Asbestos-Related Work commencing with section 341.6 of Title 8 of the California Code of Regulations, shall be assessed a minimum proposed civil penalty of \$1,250. The proposed penalty shall be adjusted for Size, Good Faith, and History; however, an abatement credit shall not be granted.

(5) For Violation of Elevator Permit and Posting Requirements. Any person owning or having custody, management, or operation of an elevator who operates any such elevator without a valid permit, or who

fails to post the permit as required, may be assessed a civil penalty pursuant to the provisions of this article of up to \$1000.

(6) For Failure to Report Serious Injury or Illness, or Death of an Employee - Any employer who fails to timely report an employee's injury or illness, or death, in violation of section 342(a) of Title 8 of the California Code of Regulations, shall be assessed a minimum penalty of \$5,000.

(b) General Violation - Any employer who violates any occupational safety and health standard, order or special order and such violation is determined to be a General violation (as provided in section 334(b) of this article) may be assessed a civil penalty of up to \$14,270 for each such violation.

Gravity of a General Violation - The Base Penalty of a General violation is determined by evaluating Severity (as provided in section 335(a)(1)(A) of this article). If the Severity is:

LOW -	The Base Penalty shall be \$1,000.
MEDIUM -	The Base Penalty shall be \$1,500.
HIGH -	The Base Penalty shall be \$2,000.

The Base Penalty for the General violation determined under this subsection is then subjected to an adjustment for Extent (as provided in section 335(a)(2) of this article). If the Extent is:

LOW -	25% of the Base Penalty shall be subtracted.
MEDIUM -	No adjustment shall be made.
HIGH -	25% of the Base Penalty shall be added.

The Base Penalty for the General violation thus far determined is further subjected to an adjustment for Likelihood (as provided in section 335(a)(3) of this article). If Likelihood is:

LOW -	25% of the Base Penalty shall be subtracted.
MEDIUM -	No adjustment shall be made.
HIGH -	25% of the Base Penalty shall be added.

The resulting figure is called the Gravity-based penalty.

### (c) Serious Violation

(1) In General - Any employer who violates any occupational safety and health standard, order, or special order, and such violation is determined to be a Serious violation (as provided in section 334(c)(1) of this article) shall be assessed a civil penalty of up to \$25,000 for each such violation. Because of the extreme gravity of a Serious violation an initial base penalty of \$18,000 shall be assessed.

The Base Penalty for the Serious violation determined under this subsection is then subjected to an adjustment for Extent (as provided in section 335(a)(2) of this article). If the Extent is:

LOW -	25% of the Base Penalty shall be subtracted.
MEDIUM -	No adjustment shall be made.
HIGH -	25% of the Base Penalty shall be added.

The Base Penalty for the Serious violation thus far determined is further subjected to an adjustment for Likelihood (as provided in section 335(a)(3) of this article). If Likelihood is:

LOW -	25% of the Base Penalty shall be subtracted.
MEDIUM -	No adjustment shall be made.
HIGH -	25% of the Base Penalty shall be added.

The resulting figure is called the Gravity-based penalty.

(2) Serious Violation Causing Death or Serious Injury, Illness or Exposure - If the employer commits a Serious violation and the Division has determined that the violation caused death or serious injury, illness or exposure as defined pursuant to Labor Code section 6302, the penalty shall not be reduced pursuant to this subsection, except the penalty may be reduced for Size as set forth in subsection (d)(1) of this section. The penalty shall not exceed \$25,000.

(3) Operation of an Elevator in an Unsafe Condition or in Violation of an Order Prohibiting Use.

Any person owning or having custody, management or operation of an elevator who operates or permits the operation of the elevator in a condition which is dangerous to life or the safety of any person, or who operates or permits the operation of the elevator in violation of any Order Prohibiting Use issued by the Division, may be assessed a civil penalty pursuant to the provisions of this article of up to \$2000.

(d) Further Adjustment of Regulatory, General, and Serious Violations - Subject to the provisions of parts (5) through (9) of this subsection, the Gravity-based Penalty established under either subsection (a), (b) or (c) of this section, shall be appropriately adjusted by giving due consideration to the following factors:

(1) The Size of the Business If the Size of the Business (as provided under section 335(b) of this article) is:

10 or fewer employees	- 40% of the Gravity-based Penalty shall be subtracted.	
11-25 employees	- 30% of the Gravity-based Penalty shall be subtracted.	
26-60 employees	- 20% of the Gravity-based Penalty shall be subtracted.	
61-100 employees	- 10% of the Gravity-based Penalty shall be subtracted.	
More than 100 employees	- No adjustment shall be made.	

(2) The Good Faith of the Employer -If the Good Faith of the Employer (as provided under section 335(c) of this article) is:

GOOD -	30% of the Gravity-based Penalty shall be subtracted.
FAIR -	15% of the Gravity-based Penalty shall be subtracted.
POOR -	No adjustment shall be made.

(3) The History of Previous Violations - If the employer's History of Compliance (as provided under section 335(d) of this article) is:

GOOD -	10% of the Gravity-based Penalty shall be subtracted.
FAIR -	5% of the Gravity-based Penalty shall be subtracted.
POOR -	No adjustment shall be made.

Following the preceding adjustments of the Gravity-based Penalty, the resultant penalty is termed Adjusted Penalty.

(4) If an employer cited for a violation of a safety and health provision within title 8 of the California Code of Regulations was, at the time of citation, making a good faith effort to abate the alleged violation, pursuant to written recommendations of a Consultant of the CAL/OSHA Consultation Service, the following penalty adjustments may apply:

(A) General Violation. All penalties assessed for such General violations may be waived by the Division.

(B) Serious Violation. All penalties for such Serious violations may be subject to an additional adjustment reducing the proposed penalty 50%.

(5) Serious Violations Respecting the Use of a Carcinogen - The penalty for any Serious violation respecting the use of a carcinogen as set forth in subsection (c)(2) of this section is not subject to adjustment pursuant to this subsection and shall not be otherwise reduced.

(6) Regulatory Violations of the Permit and Registration Requirements - The minimum penalty for any Regulatory violation of the permit or registration requirements as set forth in subsection (a)(4) of this section is \$250.

(7) Serious Violations Causing Death or Serious Injury, Illness or Exposure - Subject to the provisions of subsection (c)(3) of this section, the penalty for any Serious violation determined by the Division to have caused death or serious injury, illness or exposure as defined pursuant to Labor Code section 6302, shall not be adjusted pursuant to this subsection, except for Size set forth in part (1) of this subsection.

(8) Injury Prevention Program - The penalty for any Serious violation shall not be subject to adjustment pursuant to this subsection other than for Size as set forth in part (1) of this subsection where the employer does not have an operative injury prevention program as set forth in Labor Code section 6401.7 and applicable regulations of the California Occupational Safety and Health Standards Board.

(9) False Declarations of Abatement - Subject to the provisions of subsection (e) of this section, where it is determined after reinspection that the employer has not complied with the abatement requirements of the Division and employer has previously submitted a statement affirming compliance therewith, the recomputed penalty shall not be adjusted pursuant to this subsection, except for Size as set forth in part (1) of this subsection.

(10) No civil penalty shall be assessed against any new employer for a period of one year after the date the new employer establishes a business in the state for a regulatory or general violation of the Injury and Illness Prevention Program Standard adopted pursuant to Labor Code section 6401.7 and applicable regulations of the California Occupational Safety and Health Standards Board, if the employer has made a good faith effort to comply with the requirement set forth therein.

(11) No civil penalty shall be assessed against an employer who adopts, posts, and implements in good faith the Model Injury and Illness Prevention Program for Non-High-Hazard Employment prepared by the Division for a first violation of the Injury and Illness Prevention Program standard adopted pursuant to Labor Code section 6401.7 and applicable regulations of the California Occupational Safety and Health Standards Board.

(12) For an employer who commits a repeat violation (as provided under section 334(d) of this article), the penalty shall not be subject to adjustment pursuant to this subsection, other than for Size as set forth in part (1) of this subsection.

(e) Abatement Credit for General and Serious Violations -

(1) The Adjusted Penalty for General violations is reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The resultant penalty is termed Proposed Penalty. Violations classified as "Repeat General" or "Willful General" are not subject to an abatement credit.

(2) For Serious violations not listed in paragraph (3), the Division shall not grant a 50% abatement credit unless the employer has done either one of the following:

(A) Abated the Serious violation at the time of the initial or a subsequent visit during an inspection and prior to the issuance of a citation.

(B) Submitted a statement signed under penalty of perjury, together with supporting evidence when necessary to prove abatement, that the employer has abated the Serious violation within the period fixed for abatement in the citation. The signed statement and supporting evidence must be received within 10 working days after the end of the period fixed in the citation for abatement.

(3) The following types of Serious violations are not subject to an abatement credit:

(A) Serious violations for which extent and likelihood are rated high;

(B) Serious violations designated as “Repeat Serious” or “Willful Serious;”

(C) Serious violations respecting the use of a carcinogen; and

(D) Serious violations causing death or serious injury, illness or exposure as defined pursuant to Labor Code section 6302.

(f) Penalty for Failure to Abate Regulatory, General or Serious Violations - If the employer fails to abate the violation by the date permitted for its correction or fails to submit to the Division a signed statement of abatement of a violation within ten working days of the date set by the Division for correction of the violative condition, any abatement credit extended pursuant to subsection (e) of this Section shall be rescinded and this amount assessed as part of the failure to abate penalty. In addition, a penalty shall be assessed that is based upon the initial Gravity-based penalty for each calendar day that the previously cited violation continues unabated after expiration of the abatement period. Subject to the provisions of part (1) hereof, the Gravity-based penalty is reduced by the reevaluated adjustment factors. The adjustment factors of Size, Good Faith, and History shall be determined by evaluation of the circumstances at the time of the subsequent inspection when the failure to abate is discovered. The daily additional penalty for failure to abate a violation shall not exceed \$15,000.

#### Limitations:

(1) Except (A) where the gravity of the violation is high and exposure to employees is continuous, or (B) the employer has exhibited a high degree of negligence in failing to correct the violation, the daily penalty for failure to abate a Regulatory or General violation may be further reduced up to 90% for the first 120 days the violation continues to exist and up to 50% thereafter where the violation does not bear a direct relationship on employee health and safety. The daily penalty for a Serious violation may be reduced up to 50% where the adjustment factors calculated pursuant to subsection (c) of this section are Low and the History and Good Faith calculated pursuant to subsection (d) of this section are Good.

(2) When a violation consisted of a number of instances and upon subsequent inspection some instances are found to have been abated and others have not, the daily penalty shall be calculated in proportion to the extent that the violation has been abated.

(3) Failure to Abate a Serious Violation Causing Death or Serious Injury, Illness or Exposure - If the employer fails to abate a Serious violation and the Division has determined that the failure to abate caused death or serious injury, illness, or exposure as defined pursuant to Labor Code section 6302, the penalty shall not be adjusted pursuant to this subsection, except for Size as set forth in subsection (d)(1) of this section.

(4) Failure to Abate a Serious Violation of Crane Standard, Order, or Special Order Causing Death or Serious Injury - If the employer fails to abate a serious violation of a crane standard, order, or special order and the Division has determined that the failure to abate caused death or serious injury as defined pursuant

to Labor Code 6302, the penalty shall be \$14,000 for each calendar day. The penalty is not subject to adjustment.

(5) False Declaration of Abatement - If it is determined after reinspection that the employer has not complied with the abatement requirements of the Division, and the employer has previously submitted a statement affirming compliance therewith, the recomputed penalty shall not be adjusted pursuant to this subsection, except for Size pursuant to part (1) of subsection (d) of this section.

(g) Repeat Violation -

(1) In General - If a Regulatory, General, or Serious violation is repeated (as provided under section 334(d) of this article) the Proposed Penalty is adjusted upward as follows:

1st repeat - the Proposed Penalty is multiplied by two.

2nd repeat - the Proposed Penalty is multiplied by four.

3rd repeat - the Proposed Penalty is multiplied by ten.

The resultant penalty shall not exceed \$142,692.

(2) For Carcinogens - If a Serious violation respecting the use of a carcinogen or a Regulatory violation concerning a reporting requirement respecting the use of a carcinogen is repeated (as provided in section 334(d) of this article), the total civil penalty shall be as follows:

(A) For repeated Regulatory violations concerning a reporting requirement.

1st repeat - \$5,000

2nd repeat - \$10,000

3rd repeat - \$20,000

(B) For repeated Serious violations respecting the use of a carcinogen.

1st repeat - \$10,000

2nd repeat - \$20,000

3rd repeat - \$40,000

These penalties are not subject to adjustment.

(3) Repeated Violation Causing Death or Serious Injury, Illness or Exposure - The computation of the Proposed Penalty for a repeated violation shall not be subject to reduction, other than the Size pursuant to part (1) of subsection (d) of this section, where the violation is determined by the Division to have caused death or serious injury, illness or exposure within the meaning of Labor Code section 6302.

(h) Willful Violation - If a Regulatory, General, or Serious violation is determined to be willful (as provided under section 334(e) of this article) the Proposed Penalty is adjusted upward as follows:

Regulatory, General and Serious - the Proposed Penalty is multiplied by five. However, the penalty for any willful violation shall not be less than \$10,192 and shall not exceed \$142,692.

(1) Willful Violation Causing Death or Serious Injury, Illness or Exposure - The computation of the Proposed Penalty for a willful violation shall not be subject to reduction, other than the Size pursuant to

part (1) of subsection (d) of this section, where the violation is determined by the Division to have caused death or serious injury, illness or exposure within the meaning of Labor Code section 6302.

(i) Serious Repeated or Willful Repeated Violation of Crane Standard, Order, or Special Order Causing Death or Serious Injury - If the employer commits a serious repeated or willful repeated violation of a crane standard, order, or special order, and the Division has determined that the violation caused death or serious injury as defined pursuant to Labor Code 6302, the penalty shall be \$140,000. This penalty is not subject to adjustment.

(j) Rounding of the Fractions Amounts of the civil penalties are rounded down to the next whole dollar during the calculation stages, and final figures are adjusted downward to the next lower five dollar (\$5) value.

(k) Multiple Violations Pertaining To A Single Hazard. When a single hazard is the subject matter of multiple violations resulting in civil penalties, the Division may, in its discretion, depart from the preceding criteria to mitigate the cumulative effect of such penalties.

(1) This subsection does not apply to any penalty assessed for a Serious, Willful or Repeated violation or a failure to abate a Serious violation where such violation or violations have been determined by the Division to have caused death or serious injury, illness or exposure pursuant to Labor Code section 6302. This subsection does not apply to any Regulatory, General or Serious violation where the employer does not have an operative injury prevention program as set forth in subsection (d) of this section.

Note: Authority cited: Sections 54, 55, 6319, 6319.3, 6401.7 and 9060, Labor Code. Reference: Sections 6314.5, 6318, 6319, 6320, 6401.7, 6409.1, 6427-6432, 6434, 7320, 7321, 7321.5, 7381 and 9060, Labor Code.

## HISTORY

1. Amendment and new subsection (j) filed 2-28-79; effective thirtieth day thereafter (Register 79, No. 9). For prior history, see Registers 75, No. 10; 77, No. 1; 77, No. 18 and 77, No. 27.
2. Editorial correction of subsection (d)(2) (Register 82, No. 15).
3. Amendment of subsections (c), (e)-(h) filed 12-31-84; designated effective 1-1-85 pursuant to Government Code section 11346.2(d) (Register 85, No. 1).
4. Amendment of subsections (c) and (g) filed 1-15-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 3).
5. Amendment filed 3-18-91; operative 4-17-91 (Register 91, No. 15).
6. Amendment filed 4-24-92; operative 5-25-92 (Register 92, No. 18).
7. Amendment of subsection (d)(8), new subsections (d)(10) and (d)(11), and amendment of Note filed 1-26-95; operative 2-27-95 (Register 95, No. 4).
8. Amendment of subsections (c)(1)-(c)(3) and (c)(5), new subsection (d)(12), amendment of subsections (f) and (h), and amendment of Note filed 12-16-99 as an emergency; operative 1-1-2000 pursuant to Government Code section 11343.4(c) (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2000 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-13-2000 and filed 5-11-2000 (Register 2000, No. 19).
10. Change without regulatory effect amending subsection (a)(1), adopting new subsection (a)(6) and amending Note filed 1-30-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 5).



11. Amendment of subsections (e)-(e)(1), repealer of subsections (e)(2)-(4) and new subsections (e)(2)-(e)(3)(D) filed 2-12-2015 as an emergency; operative 2-12-2015 (Register 2015, No. 7). A Certificate of Compliance must be transmitted to OAL by 8-11-2015 or emergency language will be repealed by operation of law on the following day.

12. Amendment of subsections (e)-(e)(1), repealer of subsections (e)(2)-(4) and new subsections (e)(2)-(e)(3)(D) refiled 8-10-2015 as an emergency; operative 8-10-2015 (Register 2015, No. 33). A Certificate of Compliance must be transmitted to OAL by 11-9-2015 or emergency language will be repealed by operation of law on the following day.

13. Amendment of subsections (e)-(e)(1), repealer of subsections (e)(2)-(4) and new subsections (e)(2)-(e)(3)(D) refiled 11-5-2015 as an emergency; operative 11-5-2015 (Register 2015, No. 45). A Certificate of Compliance must be transmitted to OAL by 2-3-2016 or emergency language will be repealed by operation of law on the following day.

14. Reinstatement of section as it existed prior to 2-12-2015 emergency amendment by operation of Government Code section 11346.1(f) (Register 2016, No. 12).

15. Amendment filed 3-14-2016; operative 3-14-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 12).

16. Change without regulatory effect amending subsections (a)(1) and (b), repealing subsections (c)(2) and (c) (5), renumbering subsections and amending subsections (g)(1) and (h) filed 9-14-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 37).

17. Amendment filed 1-8-2018; operative 1-1-2018. Amendments to subsections (a)(1) and (b) are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b) and 6431(b). Amendments to subsections (g)(1) and (h) are exempt from the Administrative Procedure Act pursuant to Labor Code section 6429(a)(2). Submitted to OAL for filing and printing only (Register 2018, No. 2).

18. Amendment filed 1-3-2019; operative 1-1-2019. Amendments to subsections (a)(1) and (b) are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b) and 6431(b). Amendments to subsections (g)(1) and (h) are exempt from the Administrative Procedure Act pursuant to Labor Code section 6429(a)(2). Submitted to OAL for filing and printing only (Register 2019, No. 1).

19. Amendment filed 1-6-2020; operative 1-1-2020. Amendments to subsections (a)(1) and (b) are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b) and 6431(b). Amendments to subsections (g)(1) and (h) are exempt from the Administrative Procedure Act pursuant to Labor Code section 6429(a)(2). Submitted to OAL for filing and printing only (Register 2020, No. 2).

20. Amendment filed 2-8-2021; operative 1-1-2021. Amendments to subsections (a)(1) and (b) are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b) and 6431 (b). Amendments to subsections (g)(1) and (h) are exempt from the Administrative Procedure Act pursuant to Labor Code section 6429(a)(2). Submitted to OAL for filing and printing only (Register 2021, No. 7).

21. Amendment of subsections (a)(1), (b), (g)(1) and (h) filed 12-15-2021; operative 1-1-2022. Amendments to subsections (a)(1) and (b) are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b) and 6431(b). Amendment to subsections (g)(1) and (h) are exempt from the Administrative Procedure Act pursuant to Labor Code section 6429(a)(2). Submitted to OAL for filing and printing only (Register 2021, No. 51).



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Chapter 3.2. California Occupational Safety and Health Regulations (CAL/OSHA)  
Subchapter 1. Regulations of the Director of Industrial Relations  
Article 4. Proposed Penalty Procedure

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## §334. Classification of Violations and Definitions.

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For purposes of penalty assessments, violations of occupational safety and health standards, violations of California Health and Safety Code Sections 2950 and 25910, orders, special orders and regulations are classified as follows:

- (a) Regulatory Violation - is a violation, other than one defined as Serious or General that pertains to permit, posting, recordkeeping, and reporting requirements as established by regulation or statute. For example, failure to obtain permit; failure to post citation, poster; failure to keep required records; failure to report industrial accidents, etc.
- (b) General Violation - is a violation which is specifically determined not to be of a serious nature, but has a relationship to occupational safety and health of employees.
- (c) Serious Violation.
  - (1) There shall be a rebuttable presumption that a “serious violation” exists in a place of employment if the division demonstrates that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. The demonstration of a violation by the division is not sufficient by itself to establish that the violation is serious.
  - (2) For purposes of a serious violation, the “actual hazard” may consist of, among other things:
    - (A) A serious exposure exceeding an established permissible exposure limit;
    - (B) The existence in the place of employment of one or more unsafe or unhealthful practices, means, methods, operations, or processes that have been adopted or are in use.
  - (3) If the Division establishes a presumption pursuant to subdivision (c)(1) that a violation is serious, the employer may rebut the presumption and establish that a violation is not serious by demonstrating that the employer did not know and could not, with the exercise of reasonable diligence, have known of the presence of the violation. The employer may accomplish this by demonstrating both of the following:
    - (A) The employer took all the steps a reasonable and responsible employer in like circumstances should be expected to take, before the violation occurred, to anticipate and prevent the violation, taking into consideration the severity of the harm that could be expected to occur and the likelihood of that harm

occurring in connection with the work activity during which the violation occurred. Factors relevant to this determination include, but are not limited to the employer's:

1. Training for employees and supervisors relevant to preventing employee exposure to the hazard or to similar hazards;
2. Procedures for discovering, controlling access to, and correcting the hazard or similar hazards;
3. Supervision of employees exposed or potentially exposed to the cited hazard;
4. Procedures for communicating to employees about the employer's health and safety rules and programs; and
5. Information that the employer wishes to provide, at any time before citations are issued, including, any of the following:
  - a. The employer's explanation of the circumstances surrounding the alleged violative events.
  - b. Why the employer believes a serious violation does not exist.
  - c. Why the employer believes its actions related to the alleged violative events were reasonable and responsible so as to rebut, pursuant to subdivision (c)(3), any presumption established pursuant to subdivision (c)(1).
  - d. Any other information that the employer wishes to provide.

(B) The employer took effective action to eliminate employee exposure to the hazard created by the violation as soon as the violation was discovered.

(4) For Carcinogens - a 'serious violation is a violation of any standard, order, or special order respecting the use of a carcinogen, as defined in 8 California Code of Regulations 330(f). However, the violation shall not be considered serious if the employer can demonstrate that he did not, and could not with the exercise of reasonable diligence, know of the presence of the violation or he can demonstrate that the Division should have determined that the violation was minor and resulted in no substantial health hazard.

(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.

(e) Willful Violation - is a violation where evidence shows that the employer committed an intentional and knowing, as contrasted with inadvertent, violation, and the employer is conscious of the fact that what he is doing constitutes a violation of a safety law; or, even though the employer was not consciously violating a safety law, he was aware that an unsafe or hazardous condition existed and made no reasonable effort to eliminate the condition.

(f) Abatement Date - is the date by which the employer is allowed and required to correct the condition constituting the violation.

Note: Authority cited: Sections 54, 55 and 6319, Labor Code. Reference: Sections 6302(i), 6319, 6432 and 6712, Labor Code; and Sections 2950 and 25910, Health and Safety Code.

## HISTORY

1. Amendment of subsection (c)(2) filed 2-28-79; effective thirtieth day thereafter (Register 79, No. 9). For prior history, see Registers 75, No. 10, 77, No. 1 and 77, No. 18.
2. Amendment of introductory paragraph and subsection (a) filed 12-28-84; effective thirtieth day thereafter (Register 84, No. 52).
3. Amendment of subsection (c) filed 9-19-85; effective thirtieth day thereafter (Register 85, No. 38).
4. Amendment of subsection (c) filed 1-15-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 3).
5. Amendment of newly designated subsection (d)(1), new subsection (d)(2) and amendment of Note filed 7-30-96; operative 8-29-96 (Register 96, No. 31).
6. Amendment filed 12-16-99 as an emergency; operative 1-1-2000 pursuant to Government Code section 11343.4(c) (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2000 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-13-2000 and filed 5-11-2000 (Register 2000, No. 19).
8. Change without regulatory effect repealing subsection (d)(3) designator filed 7-10-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 28).
9. Change without regulatory effect repealing former subsections (c)(1)-(3), adopting new subsections (c)(1)-(c)(3)(B) and amending subsection (c)(4) filed 1-21-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 4).
10. Amendment of subsection (d) and repealer of subsections (d) (1)-(2) filed 9-20-2016; operative 1-1-2017 (Register 2016, No. 39).

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Subchapter 7. General Industry Safety Orders

Group 4. General Mobile Equipment and Auxiliaries

Article 25. Industrial Trucks, Tractors, Haulage Vehicles, and Earthmoving Equipment

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## §3650. Industrial Trucks. General.

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(a) Industrial trucks manufactured after March 15, 2009, shall be labeled as meeting the design and construction requirements of the following applicable standards which are hereby incorporated by reference:

ANSI/ITSDF B56.1 - 2005, Safety Standard for Low Lift and High Lift Trucks

ANSI/ITSDF B56.5 - 2005, Safety Standard for Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles

ANSI/ITSDF B56.6 - 2005, Safety Standard for Rough Terrain Forklift Trucks

ANSI/ITSDF B56.8 - 2006, Safety Standard for Personnel and Burden Carriers

ANSI/ITSDF B56.9 - 2007, Safety Standard for Operator Controlled Industrial Tow Tractors

ANSI/ITSDF B56.10 - 2006, Safety Standard for Manually Propelled High Lift Industrial Trucks

NFPA 505 - 2006, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations

UL 583 - 1996, Standard for Safety, Electric-Battery-Powered Industrial Trucks

UL 558 - 1996, Standard for Safety, Industrial Trucks, Internal Combustion Engine-Powered

(b)(1) All low lift and high lift trucks manufactured after June 26, 1998, through March 15, 2009 shall be labeled as meeting either the design and construction requirements of Part III, ASME B56.1-1993, Safety Standard for Low Lift and High Lift Trucks or Part III of the ANSI/ITSDF B56.1-2005 standard. All low lift and high lift trucks manufactured on or before June 26, 1998, shall be labeled as meeting either the design and construction requirements of the ASME standard indicated above or Part II, of the ANSI B56.1-1975 standard.

(2) Except as provided in subsection (b)(1), industrial trucks manufactured after September 1, 1991 through March 1, 1999 shall have affixed a legible tag or label stating compliance with the following applicable standards or those listed in subsection (b)(3):

NFPA 505-1987, formerly ANSI B56.2-1987, for powered industrial trucks,

UL 583-1984, formerly ANSI B56.3-1977, for electric-battery-powered industrial trucks,  
UL 558-1984, formerly ANSI B56.4-1977, for internal combustion engine powered industrial trucks,  
ANSI/ASME B56.5-1988 for guided industrial vehicles,  
ANSI/ASME B56.6-1987 for rough terrain forklift trucks,  
ANSI/ASME B56.7-1987 for industrial crane trucks,  
ANSI/ASME B56.8-1988 for personnel and burden carriers,  
ANSI/ASME B56.9-1987 for operator controlled industrial tow tractors.

(3) Except as provided in subsections (a) and (b)(1), industrial trucks manufactured after March 1, 1999 shall have affixed a legible tag or label stating compliance with the following applicable standards:

NFPA 505-1987, formerly ANSI B56.2-1978, for powered industrial trucks,  
UL 583-1991, for electric-battery-powered industrial trucks,  
UL 558-1991, for internal combustion engine powered industrial trucks,

ASME B56.5-1993, for guided industrial vehicles and automated functions of manned industrial vehicles,

ASME B56.6-1992, for rough terrain forklift trucks,

ANSI/ASME B56.7-1987, for industrial crane trucks,

ASME B56.8-1993, for personnel and burden carriers,

ASME B56.9-1992, for operator controlled industrial tow tractors.

(4) All name plates and model number, type designation and load capacity markings on industrial trucks, shall be maintained in a legible condition by the employer.

(c) Industrial trucks shall be designed, constructed and maintained in accordance with the applicable standards specified in subsections (a) and (b) of this section.

(d) If the truck is equipped with front-end attachments other than factory installed attachments, the truck shall be marked to identify the attachments and show the approximate weight of the truck and attachment combination, and capacity of the truck and attachment combination at maximum elevation of the load engaging means with the load laterally centered.

(e) Major modifications and structural changes to high lift trucks, industrial trucks and rider trucks that affect the capacity and safe handling of the vehicles shall not be performed by the employer or user without prior written approval from the manufacturer unless the modification is designed, manufactured, and installed in accordance with recognized good engineering and manufacturing principles. The capacity, operation and maintenance instruction plates shall be changed accordingly.

(f) Industrial trucks originally approved for the use of gasoline for fuel may be converted to liquefied petroleum gas fuel provided the complete conversion results in a truck which embodies the features specified for LP or LPS designated trucks as defined in Chapter 1-3, of NFPA 505-1987, which is herein incorporated by reference. Such conversion equipment shall be approved.

(1) When a conversion kit is installed, the original type designation shall be removed or obliterated and replaced with a durable, corrosion-resistant plate permanently mounted on the truck indicating the type designation of the converted truck.

(g) Powered industrial trucks shall not be operated in atmospheres containing more than 20 percent of the Lower Explosive Limit of flammable gas or vapor unless approved for the area as provided in (h).

Note: Concentrations below 20 percent of the Lower Explosive Limit may still require mandatory use of air-supplied respiratory protection. (See Section 5144.)

(h) Only industrial trucks approved for the exposure may be operated in atmospheres containing hazardous quantities of combustible dusts and ignitable fibers. Approval and area designation shall be based on NFPA 505-1982 with appropriate labeling.

(1) Approved trucks shall bear a permanent legible label or some other identifying mark indicating approval by the testing laboratory.

(i) When industrial trucks operate in areas where general lighting is less than 2 footcandles per square foot, directional lighting shall be provided on the truck.

(j) Trailers disconnected from their tractor shall be secured to prevent them from up-ending during loading or unloading operations. This may require utilization of auxiliary jacks designed for that purpose.

(k) Industrial trucks shall not be operated in areas that expose the operator to the hazard of collision with overhead obstructions unless the truck is equipped with overhead guards. (See Section 3655.)

(l) Loads shall be so balanced, braced, or secured as to prevent tipping and falling. Only stable or safely arranged loads shall be handled.

(m) Batteries installed in trucks shall be secured in suitable racks which are secured to the truck.

(n) Motorized hand and hand/rider trucks shall be designed so that the brakes are applied and the power to the drive motor shut off when the operator releases his grip on the control tongue, or the device used to control travel.

EXCEPTION: Vehicles designed for use in order picking operations are exempt from the braking requirements, provided the speed of the vehicle does not exceed 3.5 mph while the operator is walking the vehicle.

(o) Radio remote control vehicles shall be equipped with positive means which restrict the speed of the vehicle to 3.5 mph while the equipment is being operated with radio remote control.

(p) Steering knobs shall not be used unless the truck is equipped with power steering.

(q) When cargo is being towed on pipe trucks or similar equipment, a safe means shall be provided to protect the driver from sliding loads.

(r) Counterweights shall be so affixed that they cannot be accidentally dislodged.

(s) Forks, fork extensions and other attachments shall be secured so that they cannot be inadvertently dislodged, and shall be used only in accordance with the manufacturer's recommendations.

(t) Industrial trucks and tow tractors shall be operated in a safe manner in accordance with the following operating rules:



- (1) Only drivers authorized by the employer and trained in the safe operations of industrial trucks or industrial tow tractors pursuant to Section 3668 shall be permitted to operate such vehicles.
- (2) Stunt driving and horseplay are prohibited.
- (3) No riders shall be permitted on vehicles unless provided with adequate riding facilities.
- (4) Employees shall not ride on the forks of lift trucks.
- (5) Employees shall not place any part of their bodies outside the running lines of an industrial truck or between mast uprights or other parts of the truck where shear or crushing hazards exist.
- (6) Employees shall not be allowed to stand, pass, or work under the elevated portion of any industrial truck, loaded or empty, unless it is effectively blocked to prevent it from falling.
- (7) Drivers shall check the vehicle at the beginning of each shift, and if it is found to be unsafe, the matter shall be reported immediately to a foreman or mechanic, and the vehicle shall not be put in service again until it has been made safe. Attention shall be given to the proper functioning of tires, horn, lights, battery, controller, brakes, steering mechanism, cooling system, and the lift system for fork lifts (forks, chains, cable, and limit switches).
- (8) No truck shall be operated with a leak in the fuel system.
- (9) Vehicles shall not exceed the authorized or safe speed, always maintaining a safe distance from other vehicles, keeping the truck under positive control at all times and all established traffic regulations shall be observed. For trucks traveling in the same direction, a safe distance may be considered to be approximately 3 truck lengths or preferably a time lapse -3 seconds -passing the same point.
- (10) Trucks traveling in the same direction shall not be passed at intersections, blind spots, or dangerous locations.
- (11) The driver shall slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.
- (12) Operators shall look in the direction of travel and shall not move a vehicle until certain that all persons are in the clear.
- (13) Trucks shall not be driven up to anyone standing in front of a bench or other fixed object of such size that the person could be caught between the truck and object.
- (14) Grades shall be ascended or descended slowly.
  - (A) When ascending or descending grades in excess of 10 percent, loaded trucks shall be driven with the load upgrade.
  - (B) On all grades the load and load engaging means shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.
  - (C) Motorized hand and hand/rider trucks shall be operated on all grades with the load-engaging means downgrade.
- (15) The forks shall always be carried as low as possible, consistent with safe operations.

(16) When leaving a vehicle unattended (the operator is over 25 feet (7.6 meters) from or out of sight of the industrial truck), the brakes are set, the mast is brought to the vertical position, and forks are left in the down position, either:

(A) The power shall be shut off and, when left on an incline, the wheels shall be blocked; or

(B) The power may remain on provided the wheels are blocked, front and rear.

(17) When the operator of an industrial truck is dismounted and within 25 feet (7.6 meters) of the truck which remains in the operator's view, the load engaging means shall be fully lowered, controls placed in neutral, and the brakes set to prevent movement.

EXCEPTION: Forks on fork-equipped industrial trucks may be in the raised position for loading and unloading by the operator if the forks are raised no more than 42 inches above the same level on which the industrial truck is located, the power is shut off, controls placed in neutral and the brakes set. If on an incline, the wheels shall be securely blocked. Whenever the forks are raised, the operator will remain in the seat of the industrial truck except when the operator is actively loading or unloading materials.

(18) Vehicles shall not be run onto any elevator unless the driver is specifically authorized to do so. Before entering an elevator, the driver shall determine that the capacity of the elevator will not be exceeded. Once on an elevator, the industrial truck's power shall be shut off and the brakes set.

(19) Motorized hand trucks shall enter elevators or other confined areas with the load end forward.

(20) Vehicles shall not be operated on floors, sidewalk doors, or platforms that will not safely support the loaded vehicle.

(21) Prior to driving onto trucks, trailers and railroad cars, their flooring shall be checked for breaks and other structural weaknesses.

(22) Vehicles shall not be driven in and out of highway trucks and trailers at loading docks until such trucks or trailers are securely blocked or restrained and the brakes set.

(23) To prevent railroad cars from moving during loading or unloading operations, the car brakes shall be set, wheel chocks or other recognized positive stops used, and blue stop signs, blue flags or blue lights displayed in accordance with Section 3333 of these Orders and Title 49, Code of Federal Regulations, Section 218.27 which is hereby incorporated by reference.

(24) The width of one tire on the powered industrial truck shall be the minimum distance maintained from the edge by the truck while it is on any elevated dock, platform, freight car or truck.

(25) Railroad tracks shall be crossed diagonally, wherever possible. Parking closer than 8 1/2 feet from the centerline of railroad tracks is prohibited.

(26) Trucks shall not be loaded in excess of their rated capacity.

(27) A loaded vehicle shall not be moved until the load is safe and secure.

(28) Extreme care shall be taken when tilting loads. Tilting forward with the load engaging means elevated shall be prohibited except when picking up a load. Elevated loads shall not be tilted forward except when the load is being deposited onto a storage rack or equivalent. When stacking or tiering, backward tilt shall be limited to that necessary to stabilize the load.

(29) The load engaging device shall be placed in such a manner that the load will be securely held or supported.

(30) Special precautions shall be taken in the securing and handling of loads by trucks equipped with attachments, and during the operation of these trucks after the loads have been removed.

(31) When powered industrial trucks are used to open and close doors, the following provisions shall be complied with:

(A) A device specifically designed for opening or closing doors shall be attached to the truck.

(B) The force applied by the device to the door shall be applied parallel to the direction of travel of the door.

(C) The entire door opening operation shall be in full view of the operator.

(D) The truck operator and other employees shall be clear of the area where the door might fall while being opened.

(32) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

(33) When provided by the industrial truck manufacturer, an operator restraint system such as a seat belt shall be used.

(u) The use, care and maintenance of slings used in lifting suspended loads with forklifts shall comply with the requirements of Article 101 of these orders.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

### **HISTORY**

1. Amendment of section title and subsection (a) filed 9-7-78; effective thirtieth day thereafter (Register 78, No. 36). For prior history, see Register 78, No. 30.

2. Amendment of subsection (q) filed 10-2-78 as an emergency; effective upon filing (Register 78, No. 40).

3. Certificate of Compliance filed 12-21-78 (Register 79, No. 1).

4. Amendment of subsection (q), new subsection (r), and repealer of Brake Handle Figure filed 3-20-79; effective thirtieth day thereafter (Register 79, No. 12).

5. New subsections (s)-(v) filed 12-12-84; effective thirtieth day thereafter (Register 84, No. 50).

6. Amendment filed 4-30-85; effective thirtieth day thereafter (Register 85, No. 18).

7. Amendment of subsection (a), new subsection (c) and relettering of subsections (d)-(t) to subsections (d)-(u) filed 7-18-91; operative 8-19-91 (Register 91, No. 47).

8. Change without regulatory effect amending section filed 9-30-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 2).

9. Amendment of subsection (g) and new subsection (g)(1) filed 7-21-93; operative 8-20-93 (Register 93, No. 30).

10. Amendment of subsection (a), repealer of subsection (b), subsection relettering, and amendment of newly designated subsection (g) filed 5-27-98; operative 6-26-98 (Register 98, No. 22).
11. Amendment of subsection (a), redesignation of former subsection (b) as subsection (b)(1) and amendment thereof, new subsection (b)(2) and amendment of subsection (d) filed 3-1-99; operative 3-1-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 10).
12. Amendment of section, including redesignation of former section 3664(a)(1)-(32) to section 3650(s)(1)-(32), filed 5-28-2002; operative 6-27-2002 (Register 2002, No. 22).
13. New subsection (c), subsection relettering and amendment of newly designated subsection (g) filed 11-2-2006; operative 12-2-2006 (Register 2006, No. 44).
14. Amendment of subsection (t)(23) filed 12-31-2007; operative 1-30-2008 (Register 2008, No. 1).
15. New subsection (a), subsection relettering, amendment of newly designated subsections (b)(1)-(3) and new subsection (t)(33) filed 2-13-2009; operative 3-15-2009 (Register 2009, No. 7).
16. Amendment of subsection (t)(23) filed 10-28-2009; operative 11-27-2009 (Register 2009, No. 44).
17. Editorial correction of subsection (a) (Register 2011, No. 8).
18. New subsection (u) filed 10-23-2012; operative 11-22-2012 (Register 2012, No. 43).
19. Change without regulatory effect amending subsection (b)(3) filed 9-17-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 38).
20. Amendment of subsection (l ) filed 4-14-2014; operative 7-1-2014 (Register 2014, No. 16).
21. Amendment of subsection (t)(17) - EXCEPTION filed 7-31-2017; operative 10-1-2017 (Register 2017, No. 31).

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