



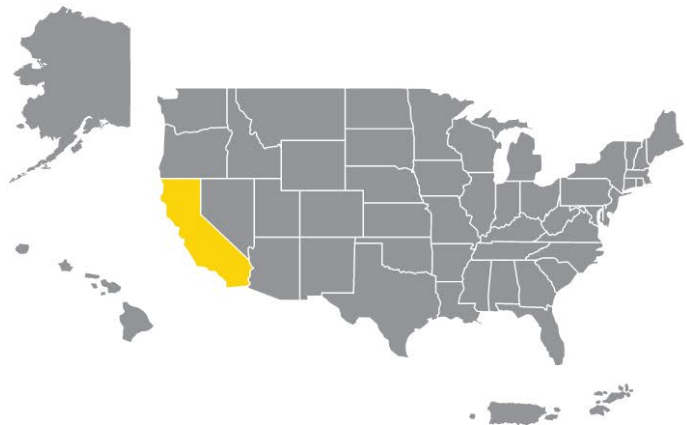
# CALIFORNIA

## State Guide to **Workplace Safety Regulation**



### **Provided by:**

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# Introduction

This Workplace Safety Regulation manual is a guide to some general federal OSHA standards as well as some California workplace safety laws that fall outside of the scope of the federal OSHA program. This guide is not meant to be exhaustive or construed as legal advice, but will be a helpful tool in complying with your general employer workplace safety and health responsibilities.

Use this guide as reference, but contact KBS, INC or legal counsel to discuss additional or specific compliance requirements. Keep in mind that depending on your industry and specific workplace processes, your business may be required to follow additional or stricter federal, state and local laws.

## OSHA

The Occupational Safety and Health Act of 1970 (OSH Act) was enacted to prevent workers from dying or being seriously harmed at work. Under the OSH Act, employers have the responsibility to provide a safe workplace for their workers. The OSH Act created the Occupational Safety and Health Administration (OSHA), to set and enforce protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and their workers.

Please contact KBS, INC for additional information regarding OSHA and the OSH Act.

## California Workplace Safety

The OSH Act encourages states to develop and operate their own job safety and health programs. OSHA approves and monitors state plans. States can develop and administer their own safety and health program if they maintain safety and health regulations that are at least as effective as federal regulations.

California has an OSHA-approved state plan run by the Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, which is part of California's Department of Industrial Relations. Cal/OSHA is the principal executor of the state plan and oversees enforcement and consultation.

Cal/OSHA protects and improves the health and safety of working men and women in California and the safety of passengers riding on elevators, amusement rides and tramways through the following activities:

- Setting and enforcing standards;
- Providing outreach, education and assistance; and
- Issuing permits, licenses, certifications, registrations and approvals.

## Jurisdiction

The California state plan applies to all public and private sector places of employment in the state, with the exception of:

- Federal employees;
- The United States Postal Service (USPS);
- Private sector employers on Native American lands;
- Maritime activities on the navigable waterways of the United States;
- Private contractors working on land designated as exclusive federal jurisdiction; and
- Employers that require federal security clearances.



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# Chapter 1

## California Regulations and Standards

### Employer Responsibilities

California employers have many different responsibilities under the California Occupational Safety and Health Act of 1973 and Title 8 of the California Code of Regulations. The following represents a list of the most important ones.

- Establish, implement and maintain an [Injury and Illness Prevention Program](#) and update it periodically to keep employees safe
- Inspect workplace(s) to identify and correct unsafe and hazardous conditions
- Make sure employees have and use safe tools and equipment and properly maintain this equipment
- Provide and pay for personal protective equipment. The California Supreme Court in *Bendix Forest Products Corporation v. Division of Occupational Safety and Health* (1979), 25 Cal. 3d 465, held that an employer is required to pay for personal protective equipment (PPE) if the law requires the employer to provide the PPE. You can find this court decision by searching "Published Opinions" on the [California Courts website](#).
- Use color codes, posters, labels or signs to warn employees of potential hazards
- Establish or update operating procedures and communicate them so employees follow safety and health requirements
- Provide medical examinations and training when required by Cal/OSHA standards
- Immediately report any work-related death or serious injury or accident, as required by [AB 1804](#). Serious injury or illness is defined in [AB 1805](#)
- For employers with 11 or more employees, [keep records of work-related injuries and illnesses](#) on the log 300, transfer the totals to the log 300A, and post the log 300A from February 1 through April 30 of the following year
- Post, at a prominent location within the workplace, the [Cal/OSHA poster](#) informing employees of their rights and responsibilities
- If required to keep one, provide employees, former employees and their representatives access to the Log and Summary of Occupational Injuries and Illnesses, Cal/OSHA form 300, at a reasonable time and in a reasonable manner
- Provide access to employee medical records and exposure records to employees or their authorized representatives
- Provide the Cal/OSHA enforcement personnel with names of authorized employee representatives who may be asked to accompany enforcement personnel during an inspection
- Do not discriminate against employees who exercise their rights under the California OSH Act
- Post Cal/OSHA citations at or near the work area involved. Each citation must remain posted until the violation has been corrected, or for three working days, whichever is longer. Post abatement verification documents or tags
- Correct cited violations by the deadline set in the Cal/OSHA citation and submit required abatement verification documentation.

### Employee Rights and Responsibilities



Cal/OSHA does not cite workers for violations of their responsibilities, but each employee is encouraged to comply with all Cal/OSHA rules, regulations and standards. Cal/OSHA recommends workers do the following:

- Read the Cal/OSHA poster at your job site
- Increase your awareness about Cal/OSHA standards designed to protect workers. Call your local [Cal/OSHA Enforcement Unit district office](#) for information
- Follow all lawful employer safety and health rules and regulations, and wear or use prescribed protective equipment while working
- Report hazardous conditions to your employer
- Report any job-related injury or illness to your employer, and seek treatment promptly
- Cooperate with the Cal/OSHA enforcement personnel when they are conducting an inspection if they inquire about safety and health conditions in your workplace
- Exercise your rights under the California Occupational Safety and Health Act. They are provided for your protection.

### Regulatory Standards

The [Occupational Safety and Health Standards Board](#) is a standard-setting agency within the Cal/OSHA program. The Board's objectives are to:

- Adopt reasonable and enforceable standards at least as effective as federal standards within six months of the effective date;
- Grant or deny applications for variances from adopted standards; and
- Respond to petitions for new or revised standards.

The Standards Board maintains standards for certain areas not covered by federal standards or enforcement. These standards apply to [elevators](#), [aerial passenger tramways](#), [amusement rides](#), [unfired pressure vessels](#), [boiler and fired pressure vessels](#) and [mine safety](#).

In addition, Cal/OSHA provides regulatory standards on:

- [Bloodborne pathogens](#) (Frequently asked questions)
- [Policies and procedures for Cal/OSHA enforcement](#)
- [Respirable Crystalline Silica standard for construction](#) (Important update)
- [Toilet facilities](#) (Frequently asked question)
- [Workplace Violence Prevention in Health Care standard](#)
- [Workplace Violent Incident Reporting System for Hospitals](#)



# Chapter 2

## Training Guidelines

Many standards promulgated by OSHA explicitly require employers to train workers in the safety and health aspects of their jobs. Other OSHA standards make it the employer's responsibility to limit certain job assignments to workers who are "certified," "competent" or "qualified" - meaning that they have had special training, in or out of the workplace. The term "designated personnel" means personnel that is selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

### Required OSHA Programs and Training - General Industry

The DOL provides an informational booklet titled [Training Requirements in OSHA Standards and Training Guidelines](#) that is intended to provide a generic, non-exhaustive overview of a particular standards-related topic. The booklet does not alter or determine compliance responsibilities, which are set forth in OSHA standards themselves, and the OSH Act. Interpretations and enforcement policies may change over time.

Employers should consult their KBS, INC representative or legal counsel for current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts.

### Voluntary Training Guidelines - OSHA

The OSH Act states that each employer "must comply with occupational safety and health standards promulgated under this Act." Some OSHA standards require training, others do not. When no training requirement exists, employers may still volunteer to provide safety training for their workers.

OSHA has developed training guidelines to assist employers in providing voluntary training. These guidelines provide the safety and health information and instruction workers need to reduce the risk of exposing themselves, their co-workers and the public to workplace hazards.

The development of the guidelines is part of an agency-wide objective to encourage cooperative, voluntary safety and health activities among OSHA, business community and workers. These voluntary programs include and education, consultation, voluntary protection programs and abatement assistance. The voluntary training guidelines are designed to help employers:

- Determine whether a worksite problem can be solved by training;
- Determine what training, if any, is needed;
- Identify goals and objectives for the training;
- Design learning activities;
- Conduct training and determine the effectiveness of the training; and

Revise the training program based on feedback from workers, supervisors others.

“Training in  
the proper  
performance  
of a job is  
time and  
money well  
spent.”

the  
training

and



## CAL/OSHA Safety and Health Training and Instruction Requirements

The following is a list of the instruction and training requirements contained in the Construction Safety Orders and the General Industry Safety Orders of the California Code of Regulations.

While every effort has been made to ensure the accuracy of the information presented, users are cautioned to refer to Title 8 and the specific sections of interest. This list is a guide only and not meant to be a substitute for—or a legal interpretation of—the occupational safety and health standards.

Users may review Title 8 Regulations at [www.dir.ca.gov/samples/search/query.htm](http://www.dir.ca.gov/samples/search/query.htm).

Training Topic	T8 Section	Frequency of Training	Typical Job Classification	Cal/OSHA Publication
Accident Investigation	<a href="#">3203(a)(7)(F)</a>	Initial	Supervisors/Accident Investigators	<a href="#">Guide to Developing IIPP</a>
Accident Prevention Signs & Tags	<a href="#">3341(d)(5)</a>	Initial	Impacted Employees	<a href="#">Lockout/Blockout</a>
Acetylene Fuel & Gas Safety	<a href="#">1740(k)(1)</a>	Initial	Users	
Acrylonitrile (AN)	<a href="#">5213(o)</a> <a href="#">5213 (appendix B)</a>	Initial Annual	Exposed Employees Qualified Person	
Actinolite (Non-Asbestos)	<a href="#">5208.1</a>	Initial Annual	Exposed Employees	
Anthophyllite (Non-asbestos)	<a href="#">5208.1(n)</a>	Initial Annual	Exposed Employees	
Agricultural & Equipment Tractors	<a href="#">3441(a)</a> <a href="#">3664(b)</a>	Initial Annual	Involved Employees Operators	<a href="#">Agricultural - Industrial Tractors</a>
Asbestos Consultant	<a href="#">341.15</a>	Initial	Certified Persons	
Site Surveillance Technician	<a href="#">1529(k)(9)(B)</a> <a href="#">5208(j)(7)(B)</a> <a href="#">1529</a>	Initial Annual	Employees likely exposed ≥PEL & those who perform Class I-IV operations	
Asbestos/Asbestos Awareness	<a href="#">341.16</a>	Initial	Assigned	
Building Inspector Project Designer	<a href="#">341.17</a>	Initial	Exposed Employees	
Cement Pipe	<a href="#">1529(o)(4)</a>	Initial	Competent Person	
Class I-IV Operations	<a href="#">341.9</a>	Annual	Qualified Person	



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Battery Handling/ Changing/Charging	<a href="#">5185(a)</a>	Initial	Assigned Employees	
Benzene	<a href="#">5218(i) &amp; (j)(3)</a>	Initial Annual	Exposed Employees	
Bloodborne Pathogens	<a href="#">5193(g)(2)</a>	Initial Annual	Potentially Exposed Employees	<a href="#">A Best Practices Approach for Reducing Bloodborne Pathogens Exposure</a>  <a href="#">Exposure Control Plan for Bloodborne Pathogens</a>
Boatswains Chair	<a href="#">1662(a)</a>	Initial	Users	
1,3-Butadiene	<a href="#">5201(l)(2)</a>	Initial Annual	Exposed Employees	
Cadmium	<a href="#">5207(m)(4)</a> <a href="#">1532</a>	Initial Annual	Exposed Employees <b>Competent Person</b>	
Carcinogens As Listed	<a href="#">5209(e)(5)</a>	Initial	Exposed Employees	
Chemical Hygiene for Laboratories	<a href="#">5191(f)(2)</a>	Initial New Hazards Refresher	Laboratory Employees	
Coke Oven Emissions	<a href="#">5211(t)</a>	Initial Annual	Exposed Employees	
Compaction Equipment	<a href="#">4355(a)(2)</a>	Before Use	Users	
Confined Spaces	<a href="#">5157(g)</a> <a href="#">5158(c)(2)</a>	Initial Program Update Changes	Affected Employees	<a href="#">Confined Space: Is It Safe To Enter?</a>
Marine Terminal Ops.	<a href="#">3463(b)(5)(B)</a>		Exposed Employees	
Training Topic	T8 Section	<b>Frequency of Training</b>	<b>Typical Job Classification</b>	<b>Cal/OSHA Publication</b>
Control of Hazardous Energy	<a href="#">3314(j)</a>	Initial	Authorized Employees	<a href="#">Lockout/Blockout</a>
Cotton Dust	<a href="#">5190(i)</a>	Initial Annual	Exposed Employees	
Cotton Gins/ Processing Mach.	<a href="#">4640</a>		<b>Qualified Person</b>	
Cranes & Other Hoisting Equipment	<a href="#">5006.1(a)</a> <a href="#">5006</a>	Initial Mobile &	Mobile & Tower Crane Operators	

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Incl. Mobile/Tower/ Derrick	<a href="#">4966</a> , <a href="#">4994</a> , <a href="#">4999</a> , <a href="#">5000</a> , <a href="#">5004</a> , <a href="#">5031</a> , <a href="#">5043</a> , <a href="#">5044</a>	Tower Cert. @ 5 yrs	<b>Qualified Person</b> Authorized Employees	
Cranes/Hoisting Equipment – Marine Terminals	<a href="#">3472(d)(3)</a>	Initial	Operators	
Demolition	<a href="#">1734</a> <a href="#">1735(u)</a> <a href="#">1736</a>		<b>Qualified Person</b>	
1,2 Dibromo-3- Chloropropane (DBCP)	<a href="#">5212(i)(3) &amp; (n)</a> <a href="#">5212 (Appendix B)</a>	Initial Annual	Exposed Employees <b>Qualified Person</b>	
Diving Operations	<a href="#">6052</a>	Initial	Assigned Employees	
Elevating Work Platforms & Aerial Devices	<a href="#">3648(l)(7)</a> <a href="#">3648(c)</a> <a href="#">3646(c)</a> <a href="#">3638(d)</a>	Before Use	Users Authorized Personnel	
Emergency Action Plan	<a href="#">3220(e)</a>	Initial Plan Update	Impacted Employees	
Emergency Procedures (Construction)	<a href="#">1512(d)</a>	Initial	Assigned Employees	
Equipment & Machinery (Construction)	<a href="#">1510(b)</a>	Initial	<b>Qualified Person</b>	
Erection & Construction – Bolting/Riveting/ Plumbing Structural Wood/Steel Frame Steel Erection	<a href="#">1716</a> <a href="#">1716.1</a> <a href="#">1716.1(f)(1)</a> <a href="#">1716.2(j)</a> <a href="#">1710</a>	Initial	Assigned Employees <b>Competent Person</b> <b>Qualified Person</b>	Pocket Guide for the Construction Industry ( <a href="#">English/</a> <a href="#">Spanish</a> )
Ergonomics	<a href="#">5110(b)(3)</a>	Initial - When Standard is Triggered	Employees in affected job classifications (identical jobs) when standard is triggered	<a href="#">Back Injury Prevention Guide in the Health Care Industry for Health Care Providers</a>  <a href="#">Easy Ergonomics</a>  <a href="#">Ergonomics in Action</a>  <a href="#">Fitting The Task To The Person: Ergonomics for</a>



				<a href="#">Very Small Businesses</a>  <a href="#">Easy Ergonomics for Desktop Computer Users</a>
Ethylene Dibromide (EDB)	<a href="#">5219(j)</a>	Initial Annual	Exposed Employees	
Ethylene Oxide	<a href="#">5220(j)(3)</a> <a href="#">5220 Appendix A</a>	Initial Annual	Exposed Employees	
Excavation/ Trenching/Shoring	<a href="#">1541</a>		<b>Competent Person</b>	<a href="#">Trenching Safety (Tailgate Topic)</a>  <a href="#">Pocket Guide for the Construction Industry</a>
Explosives	<a href="#">5239</a> <a href="#">5322</a> <a href="#">5329</a> <a href="#">344.20</a> , <a href="#">344.21</a>	Initial	Assigned Employees Competent Person Licensed Blaster	
Explosives - Deteriorated	<a href="#">5240</a>		<b>Competent Person</b>	
Training Topic	T8 Section	Frequency of Training	Typical Job Classification	Cal/OSHA Publication
Explosives Storage Magazines	<a href="#">5256</a>		Competent Person	
Fall Protection	<a href="#">1671.1</a>	Initial	Affected Employees <b>Competent Person</b> <b>Qualified Person</b>	
Fall Protection - Date Palm Ops.	<a href="#">3458</a>		<b>Competent Person</b>	
Fire Brigades (Private)	<a href="#">3411(c)</a>	Initial/ Quarterly/ Annual Refresher	Assigned Employee	
Fire Extinguisher & Fire Fighting Equipment	<a href="#">6151(g)(1)-(2)</a>	Initial Annual	Assigned Employees	
Fire Prevention Plan	<a href="#">3221(d)(1)-(2)</a>	Initial New Hazards	Exposed Employees	
Fire Protection - Fixed Extinguishing Systems	<a href="#">6175(b)(10)</a> <a href="#">6181(b)(2)</a>	Initial Annual	Employees Assigned Maintenance/Operation Exposed Employees	



Fire Protection - Standpipe & Hose System Inspection	<a href="#">6165(f)(2)(F)</a>	Initial	Assigned Employees	
First Aid First Aid & CPR	<a href="#">3439(b)</a> <a href="#">6251(d)(2)</a> <a href="#">3400(b)</a> <a href="#">5157</a> , <a href="#">5158</a> , <a href="#">5193</a> <a href="#">3421</a> , <a href="#">6052</a>	Initial Changes Every 2 years (or as specified by cert. organization)	Assigned Employees Supervisors	
First Aid (Construction)	<a href="#">1512(b) &amp; (d)</a>	Initial Updated	Assigned Employees	
Flaggers (Traffic)	<a href="#">1599(f) &amp; (g)</a>	Initial	Assigned Employees	
Flammable Liquids/ Gasses/Vapors - Industrial Plants	<a href="#">5561</a>		<b>Qualified Person</b>	
Fumigation - General	<a href="#">5221(b)</a>	Initial	Exposed Employees	
Formaldehyde	<a href="#">5217(n)</a>	Initial Annual	Exposed Employees	
Hazard Communication	<a href="#">5194(b)(1)</a>	Initial New chemicals or processes	Exposed Employees	<a href="#">Guide to California Hazard Communication Regulation</a>
Hazardous Substance Containers Clean/ Repair/Alter	<a href="#">5166(a)</a>	Initial	Assigned Employees	
Hazardous Waste Operations & Emergency Resp.	<a href="#">5192 (e) &amp; (q)(6)</a>	Initial Annual Refresher	Assigned Employees <b>Qualified Person</b>	
Hearing (Noise) Protectors Conservation	<a href="#">5098(a)(4)</a> <a href="#">5097(d)(5)(A)&amp;(B)</a> <a href="#">5099(a)</a>	Initial Retraining Initial Annual	Employees Provided Protectors All Employees Exposed to ≥85 dBA TWA	
Heat Stress	<a href="#">3395</a>	Initial	Exposed Employees	Protect Yourself from Heat Illness ( <a href="#">English/Spanish</a> )
Helicopter Operations	<a href="#">1901(c)</a>	Daily Briefing	Involved Personnel	
Training Topic	T8 Section	Frequency of Training	Typical Job Classification	Cal/OSHA Publication

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Industrial/Lift Trucks (Forklifts) & Tractors	<a href="#">3657(j)</a> <a href="#">3664(b)</a> <a href="#">3668</a>	Initial, Annual Observed Unsafe Operation Post Accident Equipment Change Workplace Change (Operator eval. @ 3 years)	Operators	Operating Rules for Industrial Trucks Poster ( <a href="#">English</a> / <a href="#">Spanish</a> )
Injury & Illness Prevention Program	<a href="#">3203(a)(7)</a> <a href="#">1509(e)</a>	Initial Updated	All Employees Supervisor Tailgates	Model Program(s) IIPP: <a href="#">Guide to Developing IIPP</a>
Inorganic Arsenic	<a href="#">5214(m)</a>	Initial Annual	Exposed Employees	
Job Hazard(s)	<a href="#">3203(a)(7)</a> <a href="#">1510(a)</a>	Before Job Assignment New Hazards	All Employees	<a href="#">Guide to Developing IIPP</a>
Laboratory Safety (See Chemical Hygiene)	<a href="#">5191(f)</a>	Initial New Hazards Refresher	Laboratory Employees	
Laser Equipment	<a href="#">1801(a)</a>	Initial	Operators Qualified Person	
Laundry/Dry Cleaning	<a href="#">4494(a)</a>	Initial Periodic	Assigned Employees	
Lead  Lead in Construction	<a href="#">5198(l)</a>  <a href="#">1531.1(1)(1)(C)-(D)</a> <a href="#">1532.1(l)</a>	Initial Annual	Exposed Employees/ Supervisors Exposed Employees ≥ Action Level	<a href="#">Lead in Construction (Fact Sheet)</a>
Lift Slab Construction	<a href="#">1722.1</a>		<b>Competent Person</b>	
Lockout/Blockout	<a href="#">3314</a> <a href="#">3314(j)</a>	Initial When Updated	Affected Employees <b>Qualified Person</b>	
Machinery & Equipment	<a href="#">1510(b)</a>	Before Use	<b>Qualified Person</b>	
Marine Terminals	<a href="#">3463(b)(5)(B)</a> <a href="#">3464(a)(1)</a> <a href="#">3462(b) &amp; (d)</a> <a href="#">3463</a> , <a href="#">3472</a>	Initial	Exposed Employees Supervisors <b>Qualified Person</b>	

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Medical & Exposure Records – Access	<a href="#">3204(g)(1)</a>	Initial Annual	Affected Employees	Access to Medical and Exposure Records (poster) ( <a href="#">English</a> / <a href="#">Spanish</a> )
Metal Working (forging) Machines	<a href="#">4243(a)(6)</a>	Initial	Operators/Maintenance Personnel	<a href="#">Power Press Safety - Tool Box Topics</a>
4,4-Methylenebis (2-Chloroaniline) MBOCA	<a href="#">5215(j)</a>	Initial Annual	Exposed Employees	
Methylene Chloride	<a href="#">5202(l)</a> <a href="#">5202 (Appendix A)</a>	Initial & As Necessary	Exposed Employees <b>Qualified Person</b>	
Methylenedianiline	<a href="#">5200(k)(3)</a> <a href="#">1535</a>	Initial Annual	Exposed Employees	
Miter Saws	<a href="#">4307.1(c)</a>	Initial	Operators	
Noise Exposure	<a href="#">5099(a)</a>	Initial Annual	Employees Exposed ≥ 85 dBA TWA	
Openings/Holes – Floors & Roofs	<a href="#">3212(b)</a>		Qualified Person	
Paper Converting/Printing Machines – H&-Fed Engraving Presses	<a href="#">4445(3)</a>	Initial Changes	Operators/Maintenance Personnel	
Personal Fall Arrest/Restraint Systems	<a href="#">1670(b)(19)</a>		<b>Competent Person</b>	
Personal Protective Equipment	<a href="#">3380(c)</a>	Initial	PPE Users	
Pesticide Safety	<a href="#">5194(h)</a>		Handlers & Applicators	
Pile Driving	<a href="#">1600</a>		<b>Competent Person</b>	
Training Topic	T8 Section	Frequency of Training	Typical Job Classification	Cal/OSHA Publication
Calif. Posting Requirements	<a href="#">340</a>	Initial	All Employees	
Powder-actuated Tools	<a href="#">1685(a)(1)</a> <a href="#">1689(a)</a>	Initial	Users <b>Qualified Person</b>	



Power Presses	<a href="#">4203(a)</a> <a href="#">4203(b)</a> <a href="#">4208.1(m)(1)</a> <a href="#">4208</a>	Initial Annual	Inspectors/Maintenance Operators PSDI Operators Qualified Person	<a href="#">Power Press Safety (Tailgate Topic)</a>
Powered Platforms (Installed) for Building Maintenance	<a href="#">3298(a)</a> <a href="#">3296</a>	Initial	Assigned Employees <b>Qualified Person</b>	
Process Safety Management	<a href="#">5189(g)</a>	Initial Refresher & Supplemental Certification	Involved Employee	
Pulp, Paper & Paperboard Mills	<a href="#">4402</a>	Initial	Exposed Employees	
Railroad – Signs & Signals	<a href="#">3333(d)</a>	Initial	Assigned Employees	
Reinforcing Steel/ Similar Projections	<a href="#">1712(f)(A)</a>		<b>Qualified Person</b>	
Respiratory Protection	<a href="#">5144(c) &amp; (k)</a> <a href="#">5144 Appendix A</a> <a href="#">5144 Appendix C</a>	Initial Annual	Users	<a href="#">Respiratory Protection in the Workplace</a>
Roofing	<a href="#">1509(a)</a> <a href="#">1730(b)(8)-(9)</a>	Initial	<b>Qualified Person</b>	<a href="#">Roofing Safety (Tailgate Topic)</a>
Rope Access Equipment	<a href="#">3270.1(c)</a> <a href="#">3270.1</a>	Initial Annual Refresher	Assigned Employees <b>Qualified Person</b>	
Rubber/ Composition Working Machines	<a href="#">4592</a>		<b>Competent Person</b> Test/Maintenance	
Scaffolds	<a href="#">1637(k)(1)</a> <a href="#">1637</a> <a href="#">1658(g)</a>	Initial	Erectors & Dismantlers: <b>Qualified Person</b>	
Supervisory Safety Training	<a href="#">3203(a)(7)(F)</a>	Initial Change	Supervisors	
Tanks – Open Surface	<a href="#">5154(j)(1)</a>	Initial	Assigned Employee	
Traffic Control – Flaggers	<a href="#">1599(f) &amp; (g)</a>	Initial	Flaggers	
Tree Work General  Date Palm Ops.	<a href="#">3420(b)</a> , <a href="#">3421(c)</a> <a href="#">3423(a)</a> , <a href="#">3427</a> <a href="#">3428(a)</a> <a href="#">3458</a>	Initial	Assigned Employees Qualified Person	



Tremolite (Non-asbestos)	<a href="#">5208.1(n)</a>	Initial Annual	Exposed Employees	
Vinyl Chloride	<a href="#">5210(j)</a>	Initial Annual	Exposed Employees	
Welding & Cutting Safety – Hot Work	<a href="#">4799</a> <a href="#">4848(a)</a> <a href="#">1537(a)</a>	Initial	Welders Fire Watchers <b>Qualified Person</b>	
Wheels or Rims – Servicing	<a href="#">3326(c)</a>	Initial	Service Personnel	<a href="#">Servicing Single, Split Rim &amp; MultiPiece Rim Wheel (Tailgate Topic)</a>
Window Cleaning	<a href="#">3282(d) &amp; (f)</a> <a href="#">3286(a)(2)</a>	Initial	Assigned Employees	

### **Qualified Person**

A qualified person is a person **designated** by the employer and by reason of **training**, experience or instruction has demonstrated the ability to perform safely all assigned duties, and, when required, is properly licensed in accordance with federal, state or local laws and regulations.

### **Competent Person**

A competent person is a person who is **capable** of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous or dangerous to employees. The competent person has the **authority** to impose prompt corrective measures to eliminate these hazards.

For additional information, please go to [www.dir.ca.gov/dosh/puborder.asp](http://www.dir.ca.gov/dosh/puborder.asp).





# Chapter 3

## Postings, Recordkeeping and Reporting

### California Posting Requirements

In addition to postings required by OSHA and other state and federal requirements, employers in California must display this [Safety and Health Protection on the Job](#) workplace safety poster.

### Federal Required Postings

#### *OSHA Poster*

All employers in California, including those exempt from most recordkeeping requirements, must display OSHA's "Job Safety and Health: It's the Law" poster explaining employee rights under OSHA law in a prominent location in the workplace. Download or order the [OSHA poster](#) from the OSHA website.

#### *OSHA Form 300A*

In general, all employers with more than 10 employees must maintain illness and injury records using the OSHA 300 log. There are some exceptions to this rule, which are discussed in more detail below.

Employers required to keep records must display the OSHA **Form 300A**, a summary of workplace injuries and illnesses, from Feb. 1 until April 30 annually.

#### *Citations*

Employers must post their **citations** for violations of OSHA laws immediately for **three full working days** or until the violation is corrected, whichever is longer.

When an employer has multiple locations, it must satisfy all posting requirements pertaining to employee rights at each location where work is being done. Citations must be posted in the facility where the incident occurred and at the site of the violation, if possible.

Please contact KBS, INC for more information on additional federal workplace posting

### Recordkeeping

California has adopted federal recordkeeping requirements. For this reason, all employers covered by OSHA or Cal-OSHA must follow federal recordkeeping requirements.

#### *Exemption from OSHA Recordkeeping Regulations*

Employers with 10 or fewer employees and whose establishments are classified as a partially exempt industry **are exempt** from the recordkeeping requirements. Partially exempt industries include establishments in specific low-hazard retail, service, finance, insurance or real estate industries. The list for partially exempt industries may be found [here](#).

#### *Required OSHA Incident Recording Forms*

Employers subject to OSHA's recordkeeping regulations must prepare and maintain records of serious work-related injuries and illnesses using OSHA [Forms 300, 300A and 301](#).



### *Which Work-Related Injuries and Illnesses Should be Recorded?*

Employers must record work-related injuries and illnesses that result

- Death;
- Loss of consciousness;
- Days away from work;
- Restricted work activity or job transfer; or
- Medical treatment beyond first aid.

Employers must also record work-related injuries and illnesses that significant or any:

- Needlestick injury or cut from a sharp object that is contaminated with another person's blood or other potentially infectious material;
- Medically removal case required by an OSHA health standard (such as exposure to hazardous chemicals);
- Tuberculosis infection case as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional after exposure to a known case of active tuberculosis; and
- Hearing loss case where the employee's hearing test (audiogram) that reveals that:
  - The employee has experienced a standard threshold shift (STS) in hearing in one or both ears (averaged at 2,000, 3,000 and 4,000 Hz); and
  - The employee's total hearing level is 25 decibels (dB) or more above audiometric zero (also averaged at 2,000, 3,000 and 4,000 Hz) in the same ear(s) as the STS.

#### **WORK-RELATED INJURY**

OSHA considers injuries and illnesses work-related if:

- They arise directly out of employment or the work environment (including exposure to facilities, equipment and materials used in the course of the job)
- The work environment contributed to the injury or illness; or
- The work environment aggravated an existing circumstance considerably

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are

### *Storage*

Employers must keep all records of their establishment on file for **five years**. In addition, all records must be readily available in case of inspection. During the five-year storage period, employers must update stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, employers must remove or cross out the original entry and enter the new information.

For more information download the OSHA [recordkeeping forms](#) (or order them from the [OSHA Publications Office](#)) or visit the OSHA reporting and recordkeeping [website](#).

### **California Specific Recordkeeping Requirements**

In California, occupational illnesses (any abnormal condition or disorder caused by exposure to environmental factors associated with employment, including acute and chronic illnesses or diseases caused by inhalation, absorption, ingestion or direct contact) and occupational injuries (serious injury, illness or death of an employee occurring in his or her place of employment or in direct connection with employment) must be reported under Cal/OSHA regulations.

Cal/OSHA defines "serious injury or illness" as any injury or illness occurring in a place of employment or in connection with any employment that results in:

- Inpatient hospitalization, for other than medical observation or diagnostic testing;
- Amputation;



- Loss of an eye; or
- Any serious degree of permanent disfigurement,

Serious injury or illness does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

In addition, Cal/OSHA defines “serious exposure” as any employee exposure to a hazardous substance when the exposure occurs as a result of an incident, accident, emergency, or exposure over time and is in a degree or amount sufficient to create a realistic possibility that death or serious physical harm in the future could result from the actual hazard created by the exposure.

Employers must also meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid or loss of consciousness.

Every physician who attends any injured employee must file a complete report of every occupational injury or occupational illness to the employee with the employer within five days of the initial examination. The employer or insurer must file the physician's report with the department within five days of receipt.

If the treatment is for pesticide poisoning or a condition suspected to be pesticide poisoning, the physician must also file a complete report with the department. Within 24 hours of the initial examination the physician must also file a complete report with the local health officer by facsimile transmission or other means. If the treatment is for pesticide poisoning or a condition suspected to be pesticide poisoning, the physician may not be compensated for the initial diagnosis and treatment unless the report is filed with the employer, or if insured, with the employer's insurer, and includes or is accompanied by a signed affidavit which certifies that a copy of the report was filed with the local health officer.

The following links provide more information regarding Cal/OSHA recordkeeping requirements:

- [California Recordkeeping Highlights](#)
- [Download OSHA's recordkeeping forms](#) or order them from the [OSHA Publications Office](#)
- OSHA's Recordkeeping website: [www.osha.gov/recordkeeping/index.html](http://www.osha.gov/recordkeeping/index.html)

## Reporting

Employers in California must follow federal reporting regulations and state specific reporting requirements. Employers must report:

Any work-related fatality within  
eight hours

AND

Any inpatient hospitalization,  
amputation or loss of an eye within  
24 hours

Employers are required to submit these reports to OSHA by **telephone** at 1-800-321-OSHA (6742), by calling or **visiting the nearest area office** during normal business hours or through the online reporting [website](#).

## Electronic Reporting

On May 12, 2016, OSHA issued a final rule that requires certain establishments to electronically submit information about work-related injuries, illnesses and incidents through the agency's ITA website every year. The electronic reporting requirements apply to:

- Establishments that have 250 or more employees and are not in a [partially exempt industry](#); and



- Establishments that have between 20 and 249 employees and belong to a [high-risk industry](#).

The electronic reporting rule also applies to establishments that receive a specific request from OSHA to create, maintain and submit electronic records, even if they would otherwise be exempt from OSHA recordkeeping requirements.

Under the 2016 rule, **all covered establishments** must electronically submit information from their OSHA **Forms 300A** every year. The rule also required covered establishments with 250 or more employees to electronically submit information from their OSHA Forms 300 and 301. Due to concerns about employee privacy, however, OSHA delayed its enforcement of the electronic reporting requirements for these two forms. In July 2018, the agency [proposed](#) removing them from the final rule altogether and announced that it would not enforce the final rule's deadlines for Forms 300 and 301 without further notice.

### *New Final Rule*

OSHA's new final rule, issued on Jan. 25, 2019, makes it official – OSHA will not require electronic submission of information from **Forms 300** and **301**. The change affects establishments with 250 or more employees only, since these were the only employers that would have been required to provide information from those forms under the 2016 final rule. However, these establishments, along with all other establishments subject to the electronic reporting rule, **must still** electronically submit 2018 information from **Form 300A** using OSHA's ITA website.

In addition, all establishments subject to OSHA's routine recordkeeping requirements **must still record and keep information on Forms 300 and 301**. The routine recordkeeping requirements apply to employers that are not in a [partially exempt industry](#) and have more than 10 employees.

Finally, OSHA's new final rule also amended the 2016 electronic reporting rule to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission. According to OSHA, this new requirement will facilitate the agency's use of the electronically submitted data, and may help reduce duplicative employer reporting.

### *Submitting the Report*

The [ITA](#) is a secure website that OSHA created specifically for the data required by the electronic reporting rule. The ITA allows employers three options to submit their reports:

1. Manual entry;
2. Comma-separated value (CSV) file upload; and
3. Application programming interface (API) transmission.

The ITA offers affected establishment [instructions](#) and [sample files and templates](#) to help them complete the submission process.

### *Anti-Retaliation Provisions*

The final rule contains three new provisions aimed at strengthening employee anti-retaliation protections. These provisions:

- Require employers to inform employees of their right to report work-related injuries and illnesses free from retaliation;
- Clarify that work-related injury and illness reporting methods must be reasonable and should not deter or discourage employees from reporting health and safety incidents; and
- Prohibit employers from retaliating against employees for reporting work-related injuries or illnesses.

### **California Specific Reporting Requirements**

On August 30, 2019, Gavin Newsom signed into law [Assembly Bill 1804](#) amending California Labor Code. The new law requires, effective **Jan. 1, 2020**, the report of serious occupational injury, illness or death to the division to be made immediately by telephone or through an online mechanism established by the division for that purpose. Employers are permitted to make the report by telephone or email until the online mechanism is available.

In addition, Governor Newsom signed [Assembly Bill 1805](#) on August 30, 2019 further amending California Labor Code. Effective **Jan. 1, 2020**, the definition of "serious injury or illness" is changed to "any injury or illness occurring in a place of



employment or in connection with any employment that requires inpatient hospitalization, for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.” Similarly, a “serious exposure” is redefined to include exposure of an employee to a hazardous substance in a degree or amount sufficient to create a realistic possibility that death or serious physical harm in the future could result from the actual hazard created by the exposure.

This law removes the 24-hour minimum time requirement for qualifying hospitalizations, excluding those for medical observation or diagnostic testing, and explicitly including the loss of an eye as a qualifying injury. The bill would delete loss of a body member from the definition of serious injury and would, instead, include amputation. The bill would also eliminate the exclusion of injury or illness caused by certain violations of the Penal Code and would narrow the exclusion of injuries caused by accidents occurring on a public street or highway to include those injuries or illnesses occurring in a construction zone.

California Labor Code defines "occupational illness" to mean "any abnormal condition or disorder caused by exposure to environmental factors associated with employment, including acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact."



# Chapter 4

## Injury/Illness Prevention Program

An Injury/Illness Prevention Program (IIPP) is a proactive process to help employers find hazards in their workplaces and develop a process to fix those hazards so that employees don't get hurt. These programs can be effective at reducing injuries, illnesses and fatalities, as well as reducing the financial hardship workers and employers face when injuries occur.

### California IIPP Requirement

Employers in California are required to have an effective written Injury and Illness Prevention Program (IIPP). The benefits of an effective IIPP include improved workplace safety and health, better morale, increased productivity and reduced costs of doing business.

In addition, outdoor places of employment involved in the industries of agriculture, construction, landscaping, oil and gas extraction, and transportation or delivery of agricultural products, construction materials or other heavy materials (for example, furniture, lumber, freight, cargo, cabinets, industrial or commercial materials), except for employment that consists of operating an air-conditioned vehicle and does not include loading or unloading, must establish a [Heat Illness Prevention Program](#).

The following sections of this chapter discuss resources available to California employers for developing an IIPP and the specific requirements that apply to IIPPs in California.

### California IIPP Resources

The California Department of Industrial Relations put together an [e-tool](#) to assist employers in establishing a compliant IIPP. Whether employers need to develop a written IIPP or improve an existing IIPP, this tool produces a written IIPP when employers answer a set of questions.

There are also [Effectiveness Questions](#) to help employers evaluate the effectiveness of an IIPP. These [Sample Forms and Checklists](#) can help employers put an IIPP into practice and document what they have done.

Elements of the e-tool include the following:

- [Preventing and Reducing Costly Injuries and Illnesses](#)
- [What an IIPP Is and How It Works](#)
- [Exceptions to the Written IIPP and Documentation Requirements](#)
- [IIPP for Employers with Seasonal or Intermittent Employees](#)
- [How to Create Your Written IIPP](#) – Questions
- [Effectiveness Questions](#)
- Information on [Other Cal/OSHA Regulations](#)
- [Sample Forms and Checklists](#)
- [Cal/OSHA Resources](#)

### Required Elements of an IIPP



Every employer in California is required to establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program must be in writing and, at a minimum, must:

- Identify the person or persons with authority and responsibility for implementing the Program.
- Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions or any other means that ensures employee compliance with safe and healthful work practices.
- Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

**Exception:** Employers with fewer than 10 employees may communicate with employees orally on general safe work practices with specific instructions on hazards unique to the employees' job assignments.

- Include procedures for identifying and evaluating workplace hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections must be made to identify and evaluate hazards:
  - When the Program is first established;
  - Whenever new substances, processes, procedures or equipment is introduced to the workplace that represents a new occupational safety and health hazard; and
  - Whenever the employer is made aware of a new or previously unrecognized hazard.
- Include a procedure to investigate occupational injury or occupational illness.
- Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
  - When observed or discovered; and
  - When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.
- Provide training and instruction:
  - When the program is first established;
  - To all new employees;
  - To all employees given new job assignments for which training has not previously been received;
  - Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
  - Whenever the employer is made aware of a new or previously unrecognized hazard; and
  - For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

## IIPP Recordkeeping Requirements



Employers must keep records of the steps taken to implement and maintain the Program. These records must include:

- Records of scheduled and periodic inspections to identify unsafe conditions and work practices, including person(s) conducting the inspection, the unsafe conditions and work practices that have been identified and action taken to correct the identified unsafe conditions and work practices. These records shall be maintained for at least one year.

**Exception:** Employers with fewer than 10 employees may elect to maintain the inspection records only until the hazard is corrected.

- Documentation of safety and health training for each employee, including employee name or other identifier, training dates, type(s) of training and training providers. This documentation shall be maintained for at least one year.

**Exceptions:**

Employers with fewer than 10 employees can substantially comply with the documentation provision by maintaining a log of instructions provided to the employee with respect to the hazards unique to the employees' job assignment when first hired or assigned new duties.

Training records of employees who have worked for less than one year for the employer need not be retained beyond the term of employment if they are provided to the employee upon termination of employment.

For employers with fewer than 20 employees that are in industries that are not on a designated list of high-hazard industries established by the Department of Industrial Relations (Department) and who have a Workers' Compensation Experience Modification Rate of 1.1 or less, and for any employers with fewer than 20 employees that are in industries on a designated list of low-hazard industries established by the Department, written documentation of the Program may be limited to the following requirements:

- Written documentation of the identity of the person or persons with authority and responsibility for implementing the program.
- Written documentation of scheduled periodic inspections to identify unsafe conditions and work practices.
- Written documentation of training and instruction.

Local governmental entities (any county, city, city and county, or district, or any public or quasi-public corporation or public agency, including any public entity, other than a state agency, that is a member of, or created by, a joint powers agreement) are not required to keep records concerning the steps taken to implement and maintain the Program.

California has additional regulations for seasonal or intermittent employees and employers in the construction industry.





# Chapter 5

## Enforcement and Penalties

The [Cal/OSHA enforcement unit](#) has jurisdiction over every place of employment in California where it is necessary to adequately enforce and administer all occupational safety and health standards and regulations.

The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident or a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries which have a high rate of occupational hazards, fatalities, injuries or illnesses.

The Division of Labor Standards Enforcement (DLSE) investigates allegations of retaliation or discrimination for complaining about safety and health conditions or practices in the workplace within six months of adverse action. Additional information is available on the [DLSE website](#).

### Cal/OSHA Penalties

Below is a list of potential citations employers may receive and a range of corresponding penalties for these citations. A serious violation exists when the division determines that there is a realistic possibility that death or serious injury could result from the actual hazard created by the condition alleged in the complaint.

OFFENSE	PENALTY
Willful or repeated violation of Cal/OSHA	Mandatory penalty of up to \$15,000 for an individual (\$150,000 for corporation or LLC), or up to one year of imprisonment, or both
Any employer that knowingly or negligently commits a serious violation of Cal/OSHA	Mandatory penalty of up to \$5,000 or up to six months of imprisonment, or both
Citation for a violation of Cal/OSHA (specifically determined not to be of a serious nature)	Possible civil penalty of up to \$7,000 for each violation
Failure to correct a violation for which a citation has been issued within the period permitted for its correction; no danger of causing death or serious physical harm	Possible civil penalty of up to \$7,000 for each day during which such failure or violation continues
Failure to report a workplace death	Mandatory penalty of up to \$15,000 for an individual (\$150,000 for corporation or LLC), or up to one year of imprisonment, or both
Willful violation of any Cal/OSHA rule causing death or permanent disability to a worker	\$250,000 for individual, \$1.5 million for corporation or three years of imprisonment, or both
Any employer that violates any of the posting requirements	Civil penalty of up to \$7,000 for each violation
Advance notice of any Cal/OSHA inspection to be conducted, without authorization from a Cal/OSHA authority	Up to \$1,000, six months of imprisonment, or both



Any person who knowingly makes a false statement, representation or certification in any Cal/OSHA application, record, report, plan or other document filed or required to be maintained Up to \$70,000 or six months of imprisonment, or both

### Department of Labor Civil Penalty Amounts

OSHA issued an [interim final rule](#) that increases penalty amounts and clarifies that OSHA-approved state plans must provide penalty amounts that are **equal to or higher** than those under the federal OSH Act. Current law allows OSHA to adjust the maximum penalty amounts every year to account for the cost of inflation, as shown by the consumer price index (CPI). If OSHA plans to adjust penalty amounts, it must signal its intention by Jan. 15 of each year.

Violation	Increased Maximum
Non-serious violation	\$13,260
Serious violation	\$13,260
Posting failure	\$13,260
Willful violation	\$132,598
Repeated violation	\$132,598
Failure to correct	\$13,260 per day

This guide is not meant to be exhaustive or construed as legal advice. It does not address all potential compliance issues with federal/state/local government or any other regulatory agency standards. Consult your licensed commercial property/casualty representative at KBS, INC or legal counsel to address possible compliance requirements.

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