

**Cal/OSHA Update, Enforcement Activity and COVID-19
Requirements**
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Topics

- New Cal/OSHA requirements and safety best practices for:
 - Wildfire smoke
 - Work-related employee injury & illness reporting
 - Night work
 - Employee access to Written Injury & Illness Prevention Program
- Update on Cal/OSHA enforcement activity
- COVID-19 safety and new administrative requirements
- Resources

Protection from Wildfire Smoke

Passage of Permanent Standard

- Title 8 Section 5141.1
- Elements Hazard Assessment
 - Communication
 - Training and instruction
 - Control of harmful exposures to wildfire smoke

Protection from Wildfire Smoke (continued)

Appendix B

- Information to be provided to employees (mandatory)
- Use to train employees
- Other versions acceptable as long as they address critical elements

Air Quality Index (AQI) Values	Levels of Health Concern	Colors
<i>When the AQI is in this range:</i>	<i>..air quality conditions are:</i>	<i>...as symbolized by this color:</i>
0 to 50	Good	Green
51 to 100	Moderate	Yellow
101 to 150	Unhealthy for Sensitive Groups	Orange
151 to 200	Unhealthy	Red
201 to 300	Very Unhealthy	Purple
301 to 500	Hazardous	Maroon

Note: Values above 500 are considered Beyond the AQI. Follow recommendations for the Hazardous category. Additional information on reducing exposure to extremely high levels of particle pollution is available [here](#).

Source: airnow.gov

Protection from Wildfire Smoke (continued)

Safety Best Practices for wildfire smoke:

- Assessing critical operations
- Monitoring
- Communicating
- Personal protective equipment and other safety practices
- Employee Training
- Response

Work-related Employee Injury & Illness Reporting

AB 1805 - 8/30/2019

- Changed definitions of serious injury and exposure
- Dropped 24-hour time limit for hospitalization and reporting
- Aligned concept of “realistic possibility” to severity

Work-related Employee Injury & Illness Reporting (continued)

Effective early 2020

– Title 8 Section 330:

- “Serious injury or illness” means
 - 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
 - Testing confirmed COVID-19 cases
 - Or in which an employee suffers
 - » Amputation
 - » Loss of an eye
 - » Any serious degree of permanent disfigurement

Night Work

Title 8 Sections 3441 and 3449 – 7/1/20:

- Section 3441 Operation of Agricultural Equipment
 - Grammatical changes to make language consistent with Section 3446
 - Adds “truck” to list of vehicles requiring lighting
 - Changes time from “one hour before sunset” to “sunset”
 - Changes time from “one hour after sunrise” to “sunrise”
 - Adds NOTE making reference to Section 3449

Night Work

Title 8 Sections 3441 and 3449 – 7/1/20:

- Section 3449 Outdoor Agricultural Operations During Hours of Darkness (between sunset and sunrise)
 - Specifies minimum lighting requirements for working during “hours of darkness”
 - Requires wearing of approved Type 2 high visibility garments
 - Requires beginning of shift safety meetings to address:
 - Restroom locations
 - Drinking water
 - Designated break areas
 - Nearby bodies of water
 - High traffic areas

Night Work (continued)

Minimum lighting requirements during ‘hours of darkness’

Foot-candles	Lux	Operations, Areas or Tasks
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	215.3	Task lighting for maintenance work on equipment.

Night Work (continued)

Employer Best Practices for Night Work Operations

- Establish safe work practice expectations
- Define equipment, safe work procedures and specialized training
- Ensure hazards are identified, addressed and/or clearly marked during the day in anticipation of night work
- Provide lighting as necessary for tasks and environment
- Provide personal protective equipment (PPE) and supplemental lighting
- Establish employee communication expectations and provide devices
- Ensure night work safety training is provided to supervisors and employees
- Ensure night work emergency response and services are available

Night Work (continued)

Employee training topics:

- Safe sleeping habits and risks associated with fatigue
- Night work safety practices
- Emergency procedures
- How to respond to nocturnal animals

Night Work (continued)

Emergency supplies:

- Lighting
- Cell phone/radio
- Safety cones, flags, flashlights
- ANSI Type II Reflective safety vests
- List of emergency phone numbers (posted at worksite and in vehicles)
- First aid kit

Written Injury & Illness Prevention Program

Allow employees access to program:

- Written or electronic copy
- Employer notice to employees of right of access
- Must be in written program

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Safety Program Evaluation

Facility: _____

Administrator: _____

Once you have evaluated all of the elements that should be a part of your safety program, use this section to summarize the present status of the program elements, and to establish goals for improvement. After filling in the present status of each element evaluated, determine measurable goals for improvement where necessary. Then you are ready to prioritize each goal and establish target dates for completion. You should periodically review your progress towards each goal and provide support to those responsible for implementation.

Basic Program Element	Present Status (Poor, Fair, Good, Excellent)	Goal	Target Date
1. Written Safety Policy Statement			
2. Safety Responsibilities			
3. Safety Program Recognition and Enforcement			
4. Safety Communications			
5. Hazard Recognition and Control			
6. Incident Reporting and Investigation			
7. Employee Training			
8. Recordkeeping			
Additional Considerations			
9. Standard Operating Procedures (SOP's) and/or safety rules			
10. Return to Work for Injured Employees			
11. Employee Selection and Placement			
12. Emergency Procedures			

Date Completed: _____

Evaluator: _____

Safety Program Evaluation

Zenith's Safety Program Evaluation is based on the premise that the same basic principles of good management should be applied for any management endeavor. Production, quality, cost, and safety and health. Long-term, bottom line results are dictated by the degree to which effective management controls (activities) are applied.

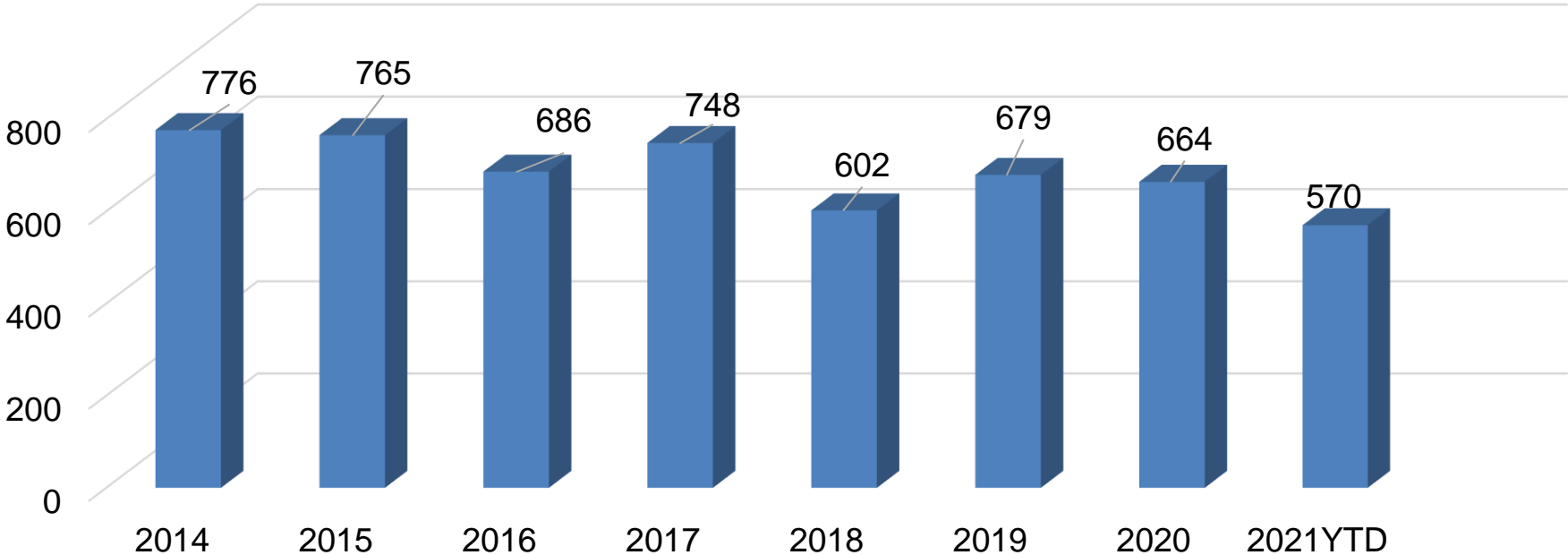
This system will help evaluate your safety management controls (activities), and offer recommendations for improvement. The following twelve activities should be in place to varying degrees regardless of size or type of business. For each activity, circle the rating which most accurately reflects the present status of your safety program.

BASIC PROGRAM ELEMENTS

1. Written Safety Policy Statement	<p>Poor No written safety policy statement.</p>	<p>Fair Policy distributed and communicated to all employees, but is outdated and incomplete.</p>	<p>Good Policy statement includes company safety and health philosophy, and designation of responsibility and authority. Also established accountability</p>	<p>Excellent In addition to "good" – the policy is reviewed at least annually and updated as needed. The policy is signed and communicated "down the line" by operating management.</p>
2. Safety Responsibilities	<p>Poor Responsibilities are not written, communicated or applied</p>	<p>Fair Some responsibilities are written and communicated, but not applied consistently</p>	<p>Good Responsibilities are written, communicated and enforced consistently. Safety rules are also posted. Employees and managers/supervisors are held accountable for complying with all safety rules. Managers/supervisors are held accountable for their safety performance.</p>	<p>Excellent In addition to "good" – all employees show positive interest in preventing losses by bring unsafe acts and conditions to the attention of management. Employees are involved in job analyses. Managers/supervisors perform above established safety standards/goals and are rewarded accordingly.</p>
3. Safety Program Recognition and Enforcement	<p>Poor No written procedure or system in place</p>	<p>Fair Informal recognition provided but not on a consistent basis. Discipline process exists but not enforced.</p>	<p>Good Management is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. Managers and supervisors are expected to enforce the rules fairly and uniformly. Formal recognition for safety activities. Discipline process enforced consistently.</p>	<p>Excellent In addition to good, it is evident that safety activities are being completed consistently without the need for constant discipline. Safety culture has improved.</p>
4. Safety Communications	<p>Poor No written procedures. Management does not conduct meetings. No safety committee</p>	<p>Fair Some managers/supervisors conduct meetings, some do not. Meetings are not planned or documented. Some communication methods used such as bulletin boards, posters, brochures in new hire orientation and safety committee's. Safety committee exists, but no formal guidelines and/or procedures.</p>	<p>Good All manager/supervisors conduct planned safety meetings. Meetings and attendance are documented. Meetings provide two way communications and are in a form readily understandable by employees. There is a form of anonymous communication available for employees. In addition, various other communication methods included as described in fair category. Safety committee is comprised of membership from each department or location. Representation by management and employees. Meets regularly and documents activities.</p>	<p>Excellent In addition to "good" – subjects are based on needs pointed out by accident cause analysis, inspections and observations. Problems are identified, effects on group/individual are discussed and specific action implemented to eliminate problem. Management uses the safety committee as the basic means of implementing the loss control efforts. Key operating executive acts as the chairperson. The committee has guidelines and objectives.</p>

Cal/OSHA Enforcement Activity

Cal/OSHA Enforcement Inspections in NAICS Major Group 11 Agricultural Production Crops by Calendar Year



Data from Fed-OSHA

Cal/OSHA Enforcement Activity

(continued)

Frequent Citations 10-1-2020 to 9-30-2021
Title 8 Section 3395, Heat Illness Prevention
Title 8 Section 3203, Injury and Illness Prevention Program
Title 8 Section 3457, Field Sanitation
Title 8 Section 342, Reporting Serious Injury/Fatality
Title 8 Section 3441, Operation of Ag Equipment
Title 8 Section 3314, Control of Hazardous Energy (LOTO)

Ca/OSHA Enforcement Activity

(continued)

Continued use of “Letter in Lieu of Inspection”

- Need timely response
- Significant increase in “on-site” inspections
- Enforcement
 - Standard, classic, enforcement action with possibility of citations with monetary penalties

COVID-19 Safety and Administrative Requirements

- CA workplace safety and health regulations require employers take measures that protect employees from exposure to, and infection from, the virus that causes COVID-19
- Employers must conduct thorough hazard assessment and implement site-specific infection control strategies
- All employees must be trained and key COVID-19 Infection Prevention Program elements must be effectively documented
- Follow Local County Health Mandates

Ca/OSHA Activity on COVID-19

- COVID-19 Prevention Emergency Temporary Standards
 - Amended several times
 - Changes adopted by Standards Board in December 2021
 - Cal/OSHA also considering permanent standard
- Information Sources:
 - Cal/OSHA ‘Frequently Asked Questions’ on COVID-19 prevention

Key COVID-19 Infection Prevention Practices

A. BASIC ELEMENTS

1. Written Program, 2. Responsibilities & Accountability, 3. Communication

B. TRAINING

1. Managers & Supervisors, 2. Employees

C. SAFE WORK PRACTICES

1. Physical Distancing, 2. Personal Hygiene, 3. Workplace Cleaning & Disinfection

D. EMPLOYEE SCREENING

1. Employee Health Monitoring, 2. Confirmed Infection

E. VISITORS, VENDORS, DELIVERIES

1. Access, 2. Contact with Employees

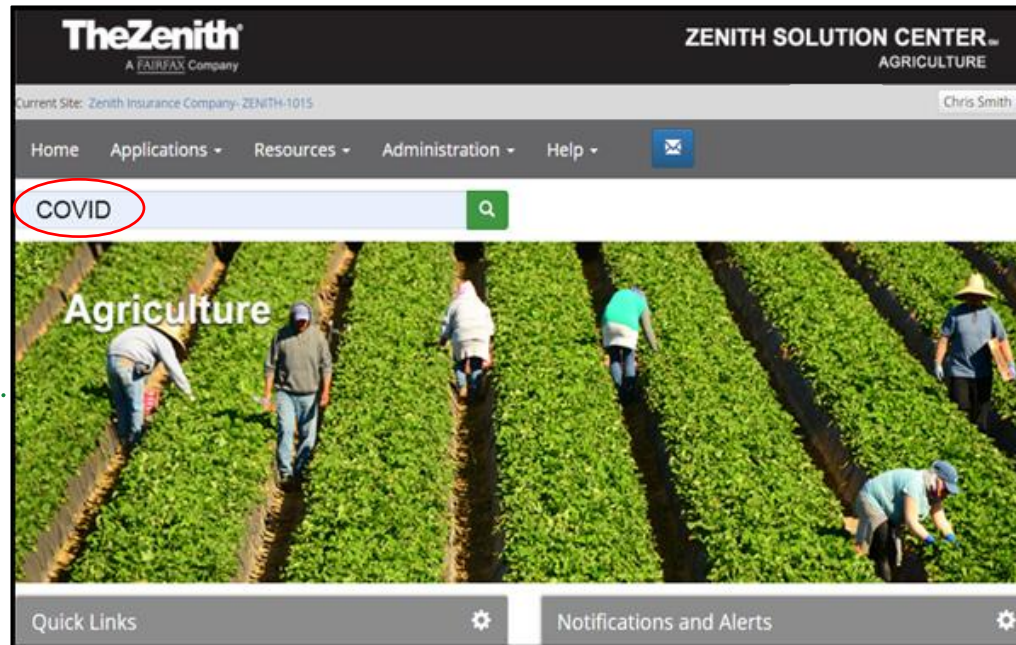
F. EMPLOYEE TRANSPORTATION

1. Drivers, 2. Passengers

G. EMPLOYEE HOUSING

1. Healthy Residents, 2. Infected Residents

Important COVID-19 Information & Resources



(58) COVID-19 tools: online courses, policies, templates, bulletins, signs, posters, checklists, etc.

Live and pre-recorded Zenith University training webinars on COVID-19

COVID-19 guidelines and resources tools for Ag, Food Mfg. and Food Processing

COVID-19 Infection Prevention Program Evaluation

COVID-19 Infection Prevention Safety Program template

Unlimited access to HR and safety experts

Discounted pricing on infection control supplies, PPE and other safety items

Ca/OSHA Citations for COVID-19 Requirements

COVID-19 Emergency Temporary Standard (ETS) citations to agricultural employers (issued 11/30/20-9/30/21):

- 9 citations for 3205(c), Written COVID-19 Prevention Program, with total penalties~\$17,000
- 7 citations on 4 inspections for an unspecified subparagraph of 3205(c) with a total penalties of ~\$91,000

See also public list of California employers cited for COVID on DIR website: <https://www.dir.ca.gov/dosh/COVID19citations.html>

New and Proposed COVID-19 Requirements

- California Bill (SB) 606
 - Addresses egregious and enterprise-wide violations
 - Increased penalties
- Federal OSHA
 - If Federal OSHA adopts regulatory changes, California must follow to be “at least as effective as”
 - Vaccine mandates
 - Significant penalty increases for willful and egregious violations
 - NOTE: these matters are pending, “Stay Tuned!”

Resources

- Wildfire Smoke

- Cal/OSHA: <https://www.dir.ca.gov/dosh/Worker-Health-and-Safety-in-Wildfire-Regions.html>
- Appendix B (English):
https://www.dir.ca.gov/Title8/5141_1b.html
- (Spanish):
<https://www.dir.ca.gov/dosh/doshreg/Protection-from-Wildfire-Smoke/Spanish/Protection-from-Wildfire-Smoke-Emergency-proptxt-spanish.pdf>
- USEPA/CARB/CDPH:
- https://www.airnow.gov/sites/default/files/2021-09/wildfire-smoke-guide_0.pdf

Resources (continued)

- Work related employee injury and illness reporting
 - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1805
- Field Sanitation
 - <https://www.dir.ca.gov/OSH/Single-User-Toilet-Facilities.html>

Resources (continued)

- Night work
 - <https://www.dir.ca.gov/oshsb/documents/Outdoor-Agricultural-Operations-During-Hours-of-Darkness-apprvd.txt.pdf>
- Injury and Illness Prevention Program IIPP
 - <https://www.dir.ca.gov/OSHSB/Employee-Access-to-Injury-and-Illness-Prevention-Program.html>
 - <https://www.dir.ca.gov/dosh/puborder.asp#IIPP>

Resources (continued)

- COVID-19
 - Reporting of confirmed cases to Cal/OSHA
 - <https://www.dir.ca.gov/dosh/coronavirus/Reporting-Requirements-COVID-19.html>
 - Frequently asked questions
 - <https://www.dir.ca.gov/dosh/coronavirus/ETS.html>
 - December 2021 changes to ETS
 - https://www.dir.ca.gov/dosh/dosh_publications/COVIDOnePageFS-12-16-2021.pdf

Resources (continued)

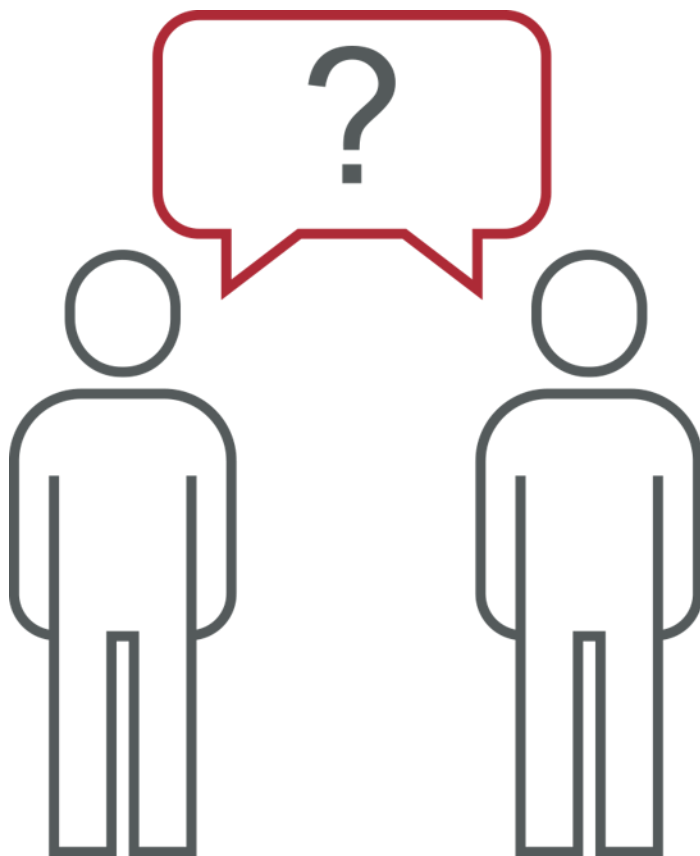
– Cal/OSHA

<https://www.dir.ca.gov/dosh/coronavirus/>

– NIOSH Western Center for Ag Health and Safety

<https://aghealth.ucdavis.edu/covid19>

- Note: also a good resource for wildfire smoke protection information



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