Cal/OSHA Updates, Activity, and Standard Surprises for 2023

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Topics

- New Cal/OSHA requirements and safety best practices for:
    - Work-related employee injury & illness reporting
    - Employee access to Written Injury & Illness Prevention Program
    - Wildfire smoke protection
- Update on Cal/OSHA enforcement activity
- Programs
- On the Horizon
- Resources

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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 injury 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
    - Or in which an employee suffers
      - » Amputation
      - » Loss of an eye
      - » Any serious degree of permanent disfigurement

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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

- 1. Provide access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.

- 2. Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program. Unobstructed access means that the employee, as part of their regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.

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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:** _____

_____

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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

	Poor	Fair	Good	Excellent
1. Written Safety Policy Statement	No written safety policy statement.	Policy distributed and communicated to all employees, but is outdated and incomplete.	Policy statement includes company safety and health philosophy, and designation of responsibility and authority. Also established accountability	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.
2. Safety Responsibilities	Responsibilities are not written, communicated or applied	Some responsibilities are written and communicated, but not applied consistently	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.	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.
3. Safety Program Recognition and Enforcement	No written procedure or system in place	Informal recognition provided but not on a consistent basis. Discipline process exists but not enforced.	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.	In addition to good, it is evident that safety activities are being completed consistently without the need for constant discipline. Safety culture has improved.
4. Safety Communications	No written procedures. Management does not conduct meetings. No safety committee	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.	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.	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.

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

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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
When the AQI is in this range:	..air quality conditions are:	...as symbolized by this color:
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.
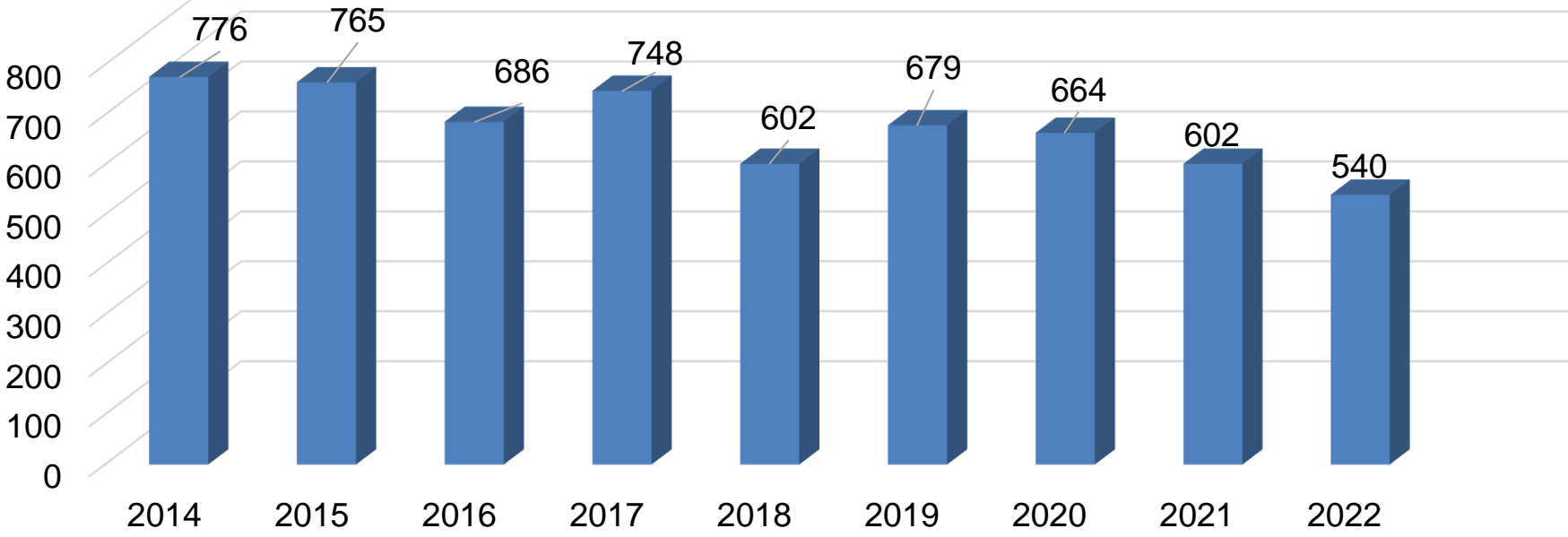
Source: airnow.gov

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Protection from Wildfire Smoke (continued)

Safety Best Practices for wildfire smoke:

– Assessing critical operations

– Monitoring

– Communicating

– Personal protective equipment and other safety practices

  • Ventilation: https://www.dir.ca.gov/dosh/wildfire/Indoor-Protection-from-Wildfire-Smoke.html

– Employee Training

– Response

Cal/OSHA Enforcement Activity

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

Note: 2022 data includes approximately 250 high heat inspections

Cal/OSHA Enforcement Activity
NAICS 11
(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)

Current Enforcement Activity

- Here's the link so that you can look at the frequently cited Title 8 sections for your NAICS industry group
  - https://www.osha.gov/pls/imis/citedstandard.html
- Note to self: Share the caveat!

Cal/OSHA Enforcement Activity
NAICS 11
(continued)

- 43 accident inspections, Calendar Year 2021
  - 28 Fatalities
    - 8 COVID-19
    - Others
      - Struck by
      - Lock out/tag out
      - Carbon monoxide
      - Falling tree

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Cal/OSHA Enforcement Activity
NAICS 11
(continued)

- 36 accident inspections, Calendar Year 2022
  - 15 Fatalities
    - Zero COVID-19
    - Others
      - Struck by
      - Lock out/tag out
      - Pinned between tractor and implement
      - Falling tree

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Current Enforcement Activity

- Data from last 2022 Cal/OSHA Advisory Committee meeting shows onsite inspection numbers returning to normal range (~5400* vs ~8000 pre-pandemic)

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Cal/OSHA Enforcement Activity
(continued)

Continued use of "Letter in Lieu of Inspection"

- Need timely response

- ~8500 letter inspections*

- Significant increase in "on-site" inspections

- Enforcement

  - Standard, classic, enforcement action with possibility of citations with monetary penalties

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Mandatory Safety Programs

- Injury and Illness Prevention Program
- COVID-19 Prevention Program
- Wildfire Smoke Protection Program
- Heat Illness Prevention Program

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On the Cal/OSHA Horizon

- Permanent Infectious Disease/COVID Program

  - https://www.dir.ca.gov/dosh/coronavirus/Non_Emergency_Regulations/ ` ````

- Indoor Heat

  - https://www.dir.ca.gov/dosh/doshreg/heat-illness-prevention-indoors/

On the Cal/OSHA Horizon

- Workplace Violence Prevention
  - https://www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/

- Changes to First Aid Standard
  - https://www.dir.ca.gov/OSHSB/First-Aid.html

Resources

- 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/OSHSB/Single-User-Toilet-Facilities.html

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

- -Requirements to Protect Workers Exposed to Wildfire Smoke Training Video
  English | español

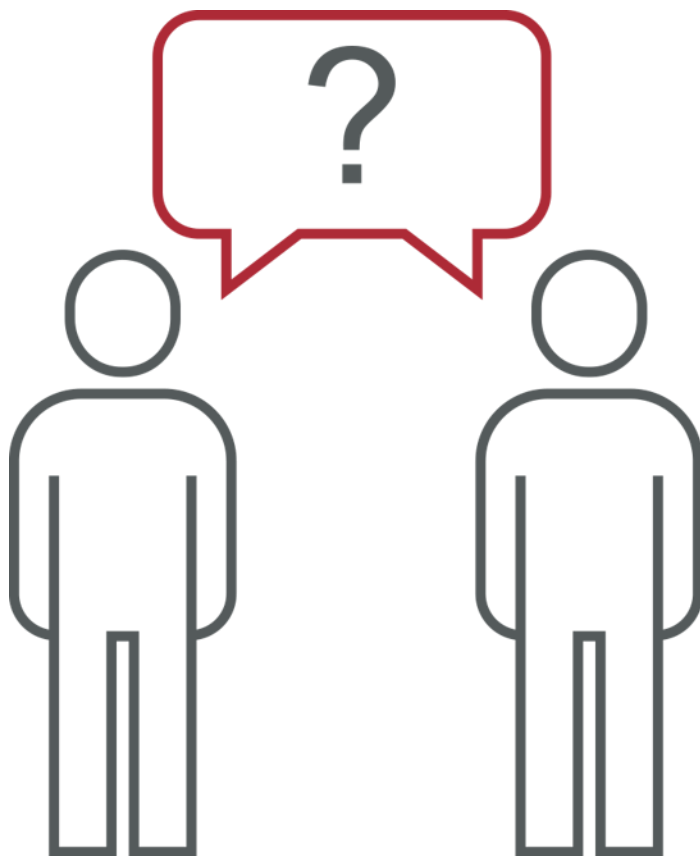TheZenith®
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Resources (continued)

- Night work
  - https://www.dir.ca.gov/oshsb/documents/Outdoor-Agricultural-Operations-During-Hours-of-Darkness-apprvdtxt.pdf

  - https://www.dir.ca.gov/dosh/dosh_publications/Night-Agriculture-fs.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 (Updated November 2022)
    - https://www.dir.ca.gov/dosh/coronavirus/ETS.html
  - "Non-emergency" standard: https://www.dir.ca.gov/dosh/coronavirus/Non_Emergency_Regulations/

Resources (continued)

– 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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