



# Northern California Mechanical Contractors Association

## Vision 2020

January 15, 2020

Juan Calderon  
District Manager  
Enforcement Outreach Coordination Program  
jcalderon@dir.ca.gov



State of California  
Gavin Newsom  
Governor

## Objective

- Review the Top 10 OSHA Violations for 2019
- Review the Top 10 Cal/OSHA Violations for 2018
- Review the top 10 Violations in HVAC Industry
- Cal/OSHA Update



## WORKER FATALITIES

More than 5,000 workers die on the job each year.  
On average 14 workers per day.

The leading causes of worker deaths (excluding highway collisions) were falls, followed by **struck by object**, electrocution, and caught-in/between



# **Federal OSHA Most Cited Violations of 2019**

- 1. Fall Protection - General Requirements (1926.501)**
- 2. Hazard Communication (1910.1200)**
- 3. Scaffolding - General Requirements (1926.451)**
- 4. Control of Hazardous Energy - Lockout/Tagout (1910.147)**
- 5. Respiratory Protection (1910.134)**
- 6. Ladders (1926.1053)**
- 7. Powered Industrial Trucks (1910.178)**
- 8. Fall Protection – Training Requirements (1926.503)**
- 9. Machine Guarding– General Requirement (1910.212)**
- 10. Personal Protective and Lifesaving Equipment – Eye and Face Protection (1926.102)**

# Top 10 Violations by Title 8 Section

- 1) § 3203 Injury and Illness Prevention Program (IIPP) - GISO
- 2) § 3395 Heat Illness Prevention
- 3) § 1509 Injury and Illness Prevention Program (IIPP) - Construction
- 4) § 3314 Control of Hazardous Energy (Lockout Blockout Tagout)
- 5) § 5194 Hazard Communication
- 6) § 342 Reporting Fatalities and Serious Injuries
- 7) § 5162 Emergency Eyewash/Shower
- 8) § 5144 Respiratory Protection
- 9) § 6151 Fire Extinguishers
- 10) § 3276 Portable Ladders



# NAICS Code: 238220 *Plumbing, Heating, and Air-Conditioning Contractors*

Listed below are the standards which were cited by **California OSHA** for the specified NAICS Code during the period October 2018 through September 2019. Penalties shown reflect current rather than initial amounts.

Standard	Citations	Inspections	Penalty	Description
<u>Total</u>	181	72	\$465,065	All Standards cited for Plumbing, Heating, and Air-Conditioning Contractors
<u>3395(I)</u>	28	28	\$8,090	Heat Illness Prevention Training
<u>1509(A)</u>	17	17	\$6,645	Construction IIPP
<u>3203(A)(</u>	9	7	\$43,850	General Industry IIPP
<u>1509(C)</u>	8	8	\$1,805	Construction IIPP Code of Safe Practices
<u>1670(A)</u>	8	8	\$65,535	Fall Protection
<u>3276(E)(</u>	7	6	\$38,760	Portable Ladders-maintenance, inspections
<u>3203(A)</u>	6	6	\$2,300	General Industry IIPP
<u>342(A)</u>	6	6	\$19,250	Reporting Work-Connected Fatalities and Serious Injuries
<u>1512(C)(</u>	4	4	\$715	Emergency Medical Services - First Aid Kits
<u>15410001</u>	4	4	\$15,555	Excavations - Requirement for Protective Systems

# OSHA's Big 4 hazards in your workplace

The Big Four hazards are:

- Falls
- **Electrocutions**
- Caught in or between
- Struck by







At 9:20 a.m. on January 5, 2018, an employee was installing HVAC unit ducts. The employee fell from a roof opening onto a concrete floor and was killed due to head trauma.

What happened?

Could the exposure have been prevented?

At 10:20 a.m. on January 3, 2018, Employee #1, employed by a heating and air conditioning contractor, was working at a multiemployer construction project. He was repairing a leak on an HVAC duct when he stepped on a board that covered a hole. The board broke, and Employee #1 fell through the hole to the concrete floor below, a fall height of 12 feet. Emergency services were called, and Employee #1 was transported to the hospital. He was admitted and treated for multiple fractures.

What happened?

Could incident been prevented?



At 9:30 a.m. on October 4, 2017, Employee #1, employed by a heating and air conditioning company, was servicing an air conditioning unit at a job site. His right thumb became caught in the pinch point of the belt and pulley. His thumb was partially amputated.

What happened?  
Could incident  
Been prevented?



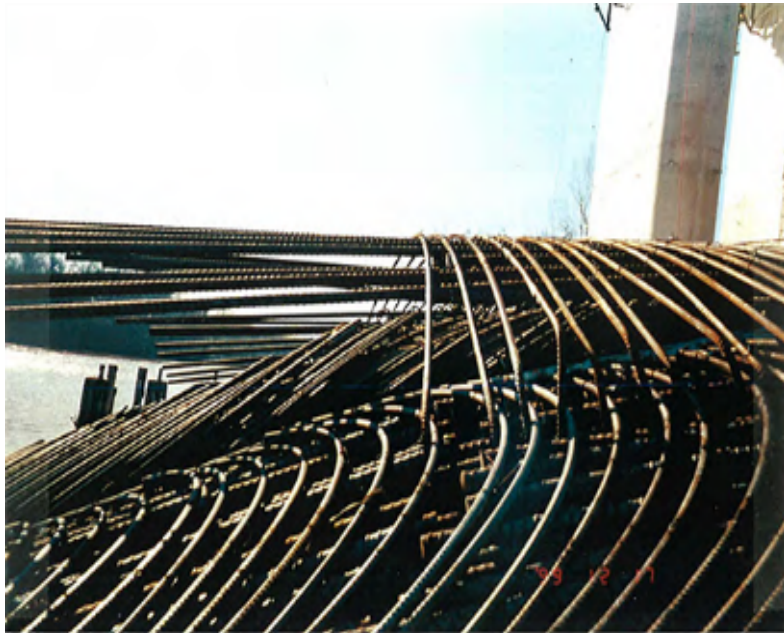
www.shutterstock.com • 701853202

## The Big Four hazards are:

- Falls
- **Electrocutions**
- Caught in or  
between
- Struck by



At 6:30 a.m. on November 2, 2017, Employees #1 and #2, employed by a mechanical construction company, were working at a multiemployer construction site for a new multifamily residential building. They were installing plumbing pipes when a rebar mat weighing 700,000 pounds collapsed and trapped the two employees.



# WHAT'S NEW






State of California  
Gavin Newsom  
Governor

# Important Rulemaking Updates

## Penalty Increases

- Senate Bill 96, enacted by the Legislature in 2017, authorized increases in certain minimum and maximum Cal/OSHA civil penalties to make them consistent with federal OSHA's civil penalties
- To keep Cal/OSHA penalties consistent with federal OSHA going forward, SB 96 authorized annual penalty increases each January 1, based on the past year's increase in the Consumer Price Index
- Maximum Penalties for Willful and Repeat violations is \$130,464
  - Maximum penalty for serious violations remains at \$25,000.



 Reply  Reply All  Forward



do.not.reply.ois <do.not.reply.ois@ideagsc.com>

Calderon, Juan@DIR

## Federal Penalty Increase

 Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

If you are having trouble reading this email, [read the online version](#).



**Intended Audience:**  
**All OIS Users**

**Message to the OIS User Community:**

In January of each year, Federal OSHA is required to make an annual adjustment for inflation to its established penalties. As a result, OIS will update all unissued violations to conform with the guidance published by OMB. This update will occur tonight and will be reflected in OIS tomorrow January 16th. You are encouraged to review penalties on previously entered violations prior to issuance to confirm the updates were applied properly.

OIS will be unavailable from 01/15/2020 11:00 PM EST to 01/16/2020 6:00 AM EST

**We look forward to supporting your inquiries.**  
**If you need to contact the OIS Help Desk you may do one of the following.**

Call: (855) 343-0410  
Email: [OIShelpdesk@astadia.com](mailto:OIShelpdesk@astadia.com)

**\*\*\* PLEASE DO NOT REPLY TO THIS EMAIL – this mailbox is not monitored\*\*\***





# Important Rulemaking Updates

## 3203. Injury and Illness Prevention Program

- (a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:
  - Employee access to IIPP – **Draft see 3203(a)(8)**

# Employee access to IIPP – Draft see 3203(a)(8)

## (8) Employee Access to the Program.

### (A) As used in this subsection:

1. The term “access” means the right and opportunity to examine and receive a copy.

2. The term “authorized representative” means an attorney, health and safety professional, nonprofit organization advocate, or immediate family member, who has been asked for assistance by a current employee, and who has received written authorization from a current employee to request and receive a copy of the Program described in subdivision (a). The recognized or certified collective bargaining agent of the employees covered by the Program shall be treated automatically as an authorized representative for the purpose of accessing the Program without further need for written authorization.

3. The term “written authorization” means a form provided to the employer containing the following information:

a. The name and signature of the employee authorizing an authorized representative to access the Program on the employee’s behalf;

## Employee access to IIPP – Draft see 3203(a)(8)

b. The date of the request;

c. The name of the authorized representative (individual or organization) that is authorized to receive the Program on the employee's behalf; and

d. The date upon which the written authorization will expire (if less than one year).

4. The Program provided to an employee or authorized representative need not include any information beyond that which is required for compliance with subsections 3203(a)(1-8).

(B) Whenever an employee or authorized representative requests access to the Program, the employer shall ensure that access is provided in a reasonable time, place, and manner, but in no

## Employee access to IIPP – Draft see 3203(a)(8)

event later than fifteen (15) days after the request for access is received. Before the time for providing access has expired, an employer, after notice to the employee or authorized representative may, by written notification, request an extension of time from the Chief, Division of Occupational Safety and Health, which shall be granted upon a finding of good cause by the Chief.

(C) Whenever an employee or authorized representative requests a copy of the Program, the employer shall provide the Program in either paper or electronic format (where readily available), at the employee's discretion.

(D) Whenever a Program has been provided previously without cost to an employee or authorized representative, the employer may charge reasonable, non-discriminatory administrative costs (i.e. copying expenses but not overhead expenses) for additional copies of the Program. An employer shall not charge for an initial request for a copy of new information that has been added to a Program which was previously provided.

(E) If an employer has distinctly different and separate operations with distinctly separate and different Programs, the employer may limit access to the Program applicable to the employee requesting it.

## Employee access to IIPP – Draft see 3203(a)(8)

(F) The employer shall communicate the right and procedure to access the Program to all employees.

(G) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

\*\*\*\*\*

Note: Authority cited: Sections 142.3 and 6401.7, Labor Code. Reference: Sections 142.3 and 6401.7, Labor Code.

# Indoor Heat

- Required by CA LC 6720 (enacted in 2016 by SB 1167)
- Latest revised draft published January 29, 2019 – available online.
- Product of multiple comments and advisory committee meetings
- Submit comments to [rs@dir.ca.gov](mailto:rs@dir.ca.gov)
- Applies to indoor work areas with temperature >82F, and requires Assessment and Control measures >87F.
- Defines “indoor” as “All work areas that are not indoor are considered outdoor and covered by section 3395”

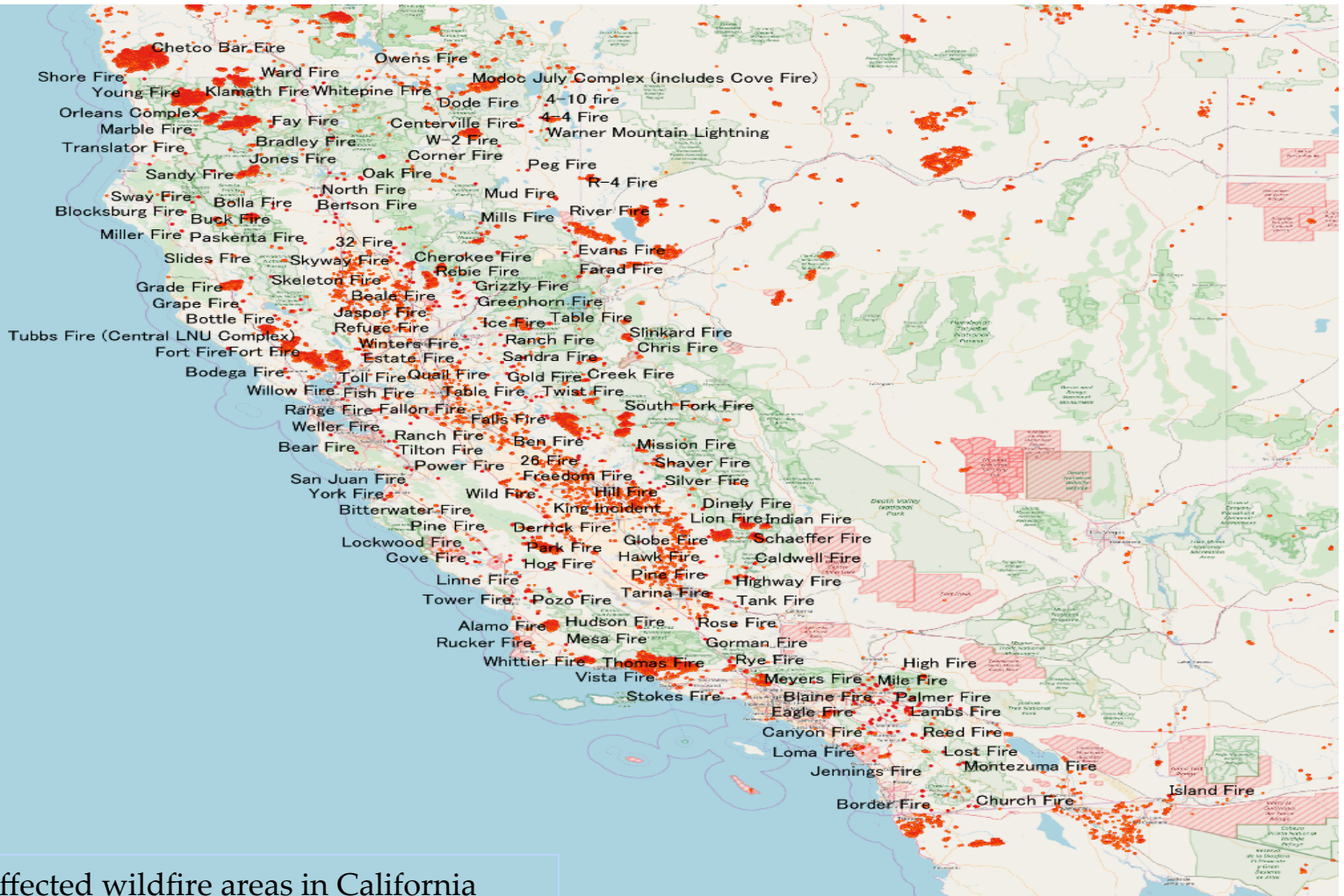
## Indoor Heat (SB 1167) – Draft:

This standard applies to all indoor work areas where the temperature equals or exceeds 82 degrees Fahrenheit when employees are present.

# Wildfire Smoke

- Petition 573 –Submitted Dec. 13, 2018 by California Labor Federation, Worksafe, and California Rural Legal Assistance (CRLA).
  - Request for regulation to protect workers who work outdoors in areas with air quality that exceeds unhealthy levels of fine particulate matter
    - Use Air Quality Index
- **Protection from Wildfire Smoke 5141.1 effective 7-29-19 temporary standard one year.**

Quality Index (AQI) Values	Levels of Health Concern	Colors
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



Affected wildfire areas in California  
2018



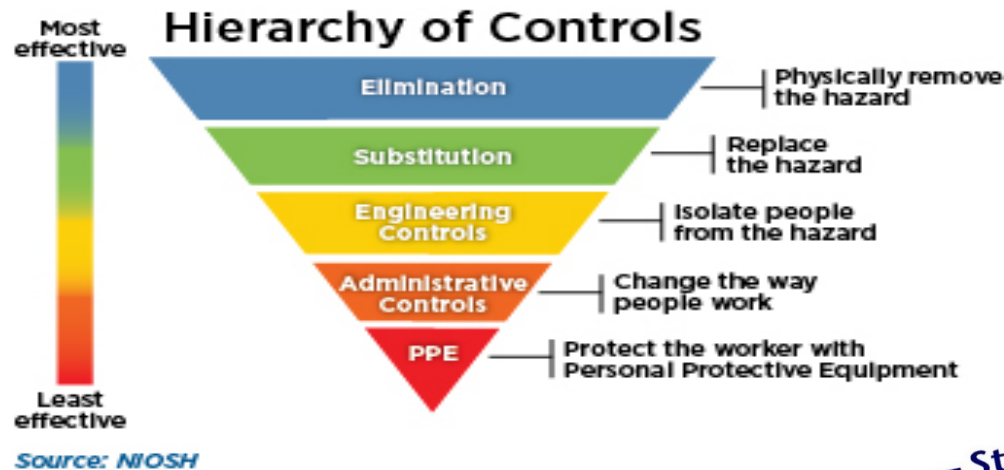
# Number of days with AQI >150

Table 2: Air Quality Index (24-hour Average) in Select Locations during Select Dates

Date Range (Name of Major Fire or Fires during the date range)	Location	Days AQI Unhealthy (>150 and <201)	Days AQI Very Unhealthy (>200 and <301)	Days AQI Hazardous (>300)	Total days AQI > 150
11/8/2018 to 11/25/2018 (Camp Fire)	Chico	5	3	4	12
	Sacramento	8	2	1	11
	SF/Oakland	9	3	0	12
	Contra Costa County	9	2	0	11
	Yolo County	7	2	0	9
	Yuba City	4	5	1	10
	Butte County	5	3	4	12
11/8/2018 to 11/21/18 (Woolsey Fire)	Ventura County	0	0	0	0
	Oxnard/ Thousand Oaks	0	0	0	0
	LA/Long Beach/Anaheim	0	0	0	0
	Riverside/San Bernardino/Ontario	0	0	0	0

# How do you prepare?

- Remember the “Hierarchy of Controls”
  - Engineering controls whenever feasible (for example, using a filtered ventilation system in indoor work areas)
  - Administrative controls if practicable (for example, limiting the time that employees work outdoors)
  - Providing workers with respiratory protective equipment, such as disposable filtering facepieces (dust masks).



# Protecting workers

- Providing employees with respiratory protective equipment, such as disposable filtering facepieces (dust masks).
- To filter out fine particles, respirators must be labeled N-95, N-99, N-100, R-95, P-95, P-99, or P-100, and must be labeled approved by the US National Institute for Occupational Safety and Health (NIOSH).
- Approved respiratory protective equipment helps protect employees when the air is "Unhealthy," "Very Unhealthy," or "Hazardous."



- **Electronic Submission of Workplace Injury and Illness Records**

- **14300.41. Electronic Submission of Injury and Illness Records to OSHA**

- Electronic Submission of Workplace Injury and Illness Records –Appendix h  
Construction 20 employees or more.

- (c) Reporting dates

- (2) Beginning in 2019, establishments that are required to submit under paragraph (a)(1) or (2) of this section will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms (for example, by March 2, 2019, for the forms covering 2018).

**AB5 is now law in California. Now what?**

**Business and Professions Code 7028. ...**

**California Business and Professions Code 7028 BP is the California statute governing contractors or builders. Under this statute, it is a crime for a contractor to do **business** without a contractor's license or with a suspended license.**

# Cal/OSHA is here to help!

- Cal/OSHA has the following branches, programs and units:
  - Consultation Services Branch
  - Outreach Coordination Program
  - Alliance Program
- Cal/OSHA Standards Board
  - Quarterly scheduled advisory meetings
  - Employers can write petitions for new standards
  - Employers can request variances
  - Public can comment on proposed regulations at meetings



# Cal/OSHA Resources

For a complete list rulemaking updates, visit:  
<https://www.dir.ca.gov/dosh/documents/rulemaking-updates.pdf>

# Resources

- Cal/OSHA <https://www.dir.ca.gov/dosh>
- Cal/OSHA Worker Safety and Health in Wildfire Regions
  - <https://www.dir.ca.gov/dosh/Worker-Health-and-Safety-in-Wildfire-Regions.html>
- Cal/OSHA Consultation
  - <http://www.dir.ca.gov/dosh/consultation.html>
- Cal/OSHA Standards Board
  - <https://www.dir.ca.gov/oshsb/oshsb.html>

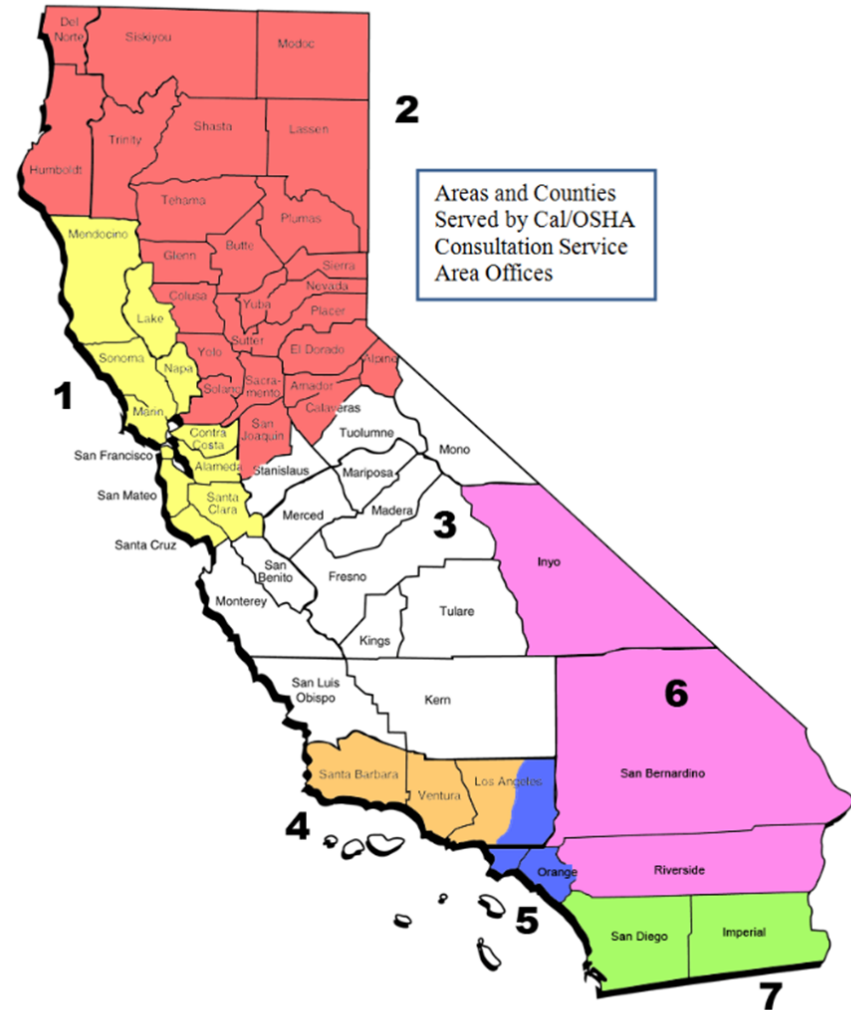




# How to Contact Cal/OSHA Consultation Services

## Area Office Locations and Contact Information

<p><b>1. San Francisco Bay Area</b></p> <p>Manager: Nick Gleiter  <a href="mailto:NGleiter@dir.ca.gov">NGleiter@dir.ca.gov</a></p>	<p>1515 Clay Street, Suite 1103            Oakland, CA 94612            (510) 622-2891</p>
<p><b>2. Northern California</b></p> <p>Manager: John Husmann  <a href="mailto:JHusmann@dir.ca.gov">JHusmann@dir.ca.gov</a></p>	<p>2424 Arden Way, Suite 410            Sacramento, CA 95825            (916) 263-0704</p>
<p><b>3. Central Valley</b></p> <p>Manager: Gene Glendenning  <a href="mailto:EGlendenning@dir.ca.gov">EGlendenning@dir.ca.gov</a></p>	<p>2550 Mariposa Mall            Room 2005            Fresno, CA 93721            (559) 445-6800</p>
<p><b>4. San Fernando Valley</b></p> <p>Manager: Dan Leiner  <a href="mailto:DLeiner@dir.ca.gov">DLeiner@dir.ca.gov</a></p>	<p>6150 Van Nuys Boulevard, Suite 307            Van Nuys, CA 91401            (818) 901-5754</p>
<p><b>5. Los Angeles, Orange</b></p> <p>Manager: Vacant</p>	<p>1 Centerpointe Drive, Suite 150            La Palma, CA 90623            (714) 562-5525</p>
<p><b>6. San Bernardino</b></p> <p>Manager: Ray Acree  <a href="mailto:RAcree@dir.ca.gov">RAcree@dir.ca.gov</a></p>	<p>464 W. 4th Street, Suite 339            San Bernardino, CA 92401            (909) 383-4567</p>
<p><b>7. San Diego</b></p> <p>Manager: Carmen Cisneros  <a href="mailto:CCisneros@dir.ca.gov">CCisneros@dir.ca.gov</a></p>	<p>7575 Metropolitan Drive, Suite 204            San Diego, CA 92108            (619) 767-2060</p>

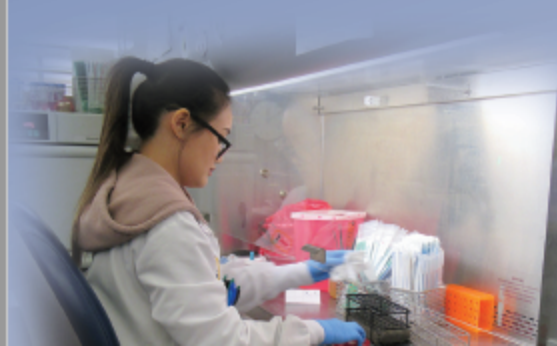


*The*  
**Guide**  
*to*

STATE OF CALIFORNIA



DEPARTMENT OF INDUSTRIAL RELATIONS



# Any Questions?

?

Juan Calderon  
District Manager  
Cal/OSHA Enforcement  
Outreach Coordination Program  
Email: [jcalderon@dir.ca.gov](mailto:jcalderon@dir.ca.gov)