

Manager/Supervisor Risk Management

#121– 1/22/13

A twice weekly e-mail training for YCPARMIA members

TOPIC: SAFETY -- THE TWO OSHA'S

The Occupational Safety and Health Administration is a federal agency which according to its website was created to “assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.” Fed OSHA, under an agreement with the State of California, has basically delegated its authority and responsibility to Cal OSHA to operate a state-specific occupational safety and health program. For the sake of simplicity, that ends our discussion of Fed OSHA; the rest of the discussion will concentrate on the State's Division of Occupational Safety and Health (DOSH) commonly known as Cal/OSHA (OSHA).

Cal/OSHA, with jurisdiction over all public and private sector workplaces (with the exception of the federal government), is divided into four independent agencies:

- A standards board responsible for getting safety laws established;
- An enforcement unit responsible for conducting workplace inspections;
- An appeals board responsible for resolving contested citations; and
- A consulting service to provide publications and training.

When a member hears the word “OSHA” they probably think of the threat of inspection, but it can be considered a paper tiger. The figures are not exact, but apparently there are over 3.3 million worksites in the state, and about 300 OSHA inspectors. It would take about 150 years for them to inspect all of the sites, so the chance of having an inspector show up at your worksite, absent some other factor, is probably pretty slim.

Generally there are three basic inspection triggers:

- A planned or programmed inspection;
- An inspection triggered by a fatality or serious injury; or
- An inspection resulting from a complaint of a serious violation.

The last two have resulted in past OSHA inspections of YCPARMIA members. If an inspector shows up, and you have not reported a serious injury, you can probably suspect that one of your employees, or former employees, has contacted OSHA with a complaint. Members have also been contacted by OSHA after a newspaper article indicated potential problems. OSHA, depending on the type of complaint, will either send an inspector or conduct a phone or letter investigation.

Anticipate that the scope of the inspection will be much broader than the trigger.

Next topic: OSHA Inspection