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SAFETY ALERT

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CAL/OSHA CITATION REFORMS

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New legislation increases the ability of the California Division of Occupational Safety and Health (Cal/OSHA) to issue citations to District schools and offices for “serious violations” of occupational safety and health standards. Assembly Bill 2774, which went into effect January 1, 2011, changes existing regulations resulting in the following:

- The number of citations and monetary fines for serious violations issued by Cal/OSHA is likely to increase. This will greatly affect cases in which an accident results in a serious injury.
- Successfully appeals of citations will be more difficult. The burden of proof now predominately falls on employers to demonstrate a violation did not occur.
- Cal/OSHA will be able to cite serious violations based solely on inspector testimony. Previously the Appeals Board could reject testimony by Cal/OSHA inspectors on the ground they lacked “specific familiarity” with a particular hazard but now as long as an inspector’s training is up-to-date, they can provide expert testimony.

In light of this new legislation, schools and offices must continue to ensure safety hazards are promptly reported and corrected. Additionally, Cal/OSHA mandated programs such as the Injury and Illness Prevention Program and Hazard Communication Program must be up-to-date and fully implemented. Lastly, it is crucial that site administrators promptly call the Office of Environmental Health and Safety (OEHS) at (213) 241-3199 whenever a Cal/OSHA inspector arrives on site.

OEHS provides consultative services to schools and offices in an effort to reduce exposure to injuries and illnesses and to provide assistance when a regulatory agency such as Cal/OSHA visits District sites. In keeping with this mandate, OEHS routinely reviews legislative changes related to health and safety and communicates potential impacts to our schools. This particular development is important since schools are now more vulnerable to higher monetary fines than they have historically experienced.

If you have any questions, please contact OEHS at (213) 241-3199.
