SPECIAL RULES APPLY FOR WORK AROUND HAZARDOUS SUBSTANCES:

Employers who use any substance that is listed as a hazardous substance in California Code of Regulations, title 8, section 338 (www.dir.ca.gov/title8/338.html), or is covered by the Hazard Communication standard (www.dir.ca.gov/title8/5194.html) must provide employees information on the hazardous chemicals in their work areas, access to safety data sheets, and training on how to use hazardous chemicals safely.

Employers shall make available on a timely and reasonable basis a safety data sheet on each hazardous substance in the workplace upon request of an employee, an employee’s collective bargaining representative, or an employee’s physician.

Employees have the right to have the company make copies of their medical records and records of exposure to potentially toxic materials or harmful physical agents, and notify employees of any exposures in concentrations or levels exceeding the exposure limits allowed by Cal/OSHA standards.

Any employee or their representative has the right to observe monitoring or measuring of employee exposure to hazards conducted to comply with Cal/OSHA regulations.

When CAL/OSHA COMES TO THE WORKPLACE:

A trained Cal/OSHA safety engineer or industrial hygienist may visit the workplace to make sure the company is obeying workplace safety and health laws.

Inspections are also conducted when an employee files a valid complaint with Cal/OSHA.

Cal/OSHA also goes on-site to the workplace to investigate a serious injury or illness, or death.

When an inspection begins, the Cal/OSHA investigator will show official identification.

The employer, or someone the employer chooses, will be given an opportunity to accompany the investigator during the inspection. An authorized representative of the employer will be present at the same opportunity. If there is no authorized Cal/OSHA employee representative, the investigator will talk to a reasonable number of employees about safety and health conditions at the workplace.

VIOLATIONS, CITATIONS, AND PENALTIES:

If the investigation shows that the employer has violated a safety and health standard or order, Cal/OSHA will issue a citation.

Each violation carries a monetary penalty and specifies a date by which the violation must be abated. A notice, which carries no monetary penalty, may be issued in lieu of a citation for certain non-serious violations.

Penalty amounts depend in part on the classification of the violation as regulatory, general, serious, repeat, or willful; and whether the employer failed to abate a previous violation involving the same hazardous condition. Base penalty amounts, penalty adjustment factors, and maximum penalties are specified in the Code of Regulations, title 8, section 338 (www.dir.ca.gov/title8/338.html).

In addition, a willful violation that causes death or permanent impairment of the body of any employee can result, upon conviction, in a fine of at least $250,000 or imprisonment up to three years, or both, and if the employer is a corporation or limited liability company, the fine may be up to $1.5 million.

The law provides that employees may appeal citations within 15 working days of receipt to the Occupational Safety and Health Appeals Board.

An employer who receives a citation, Order to Take Special Action, or Special Order must correct the violation promptly or at any time prior to the violation for any three working days, or until the unsafe condition is corrected, whichever is longer, to warn employees of danger that may exist. Any employer may protest the time allowed for correction of the violation to the Division of Occupational Safety and Health or the Occupational Safety and Health Appeals Board.