



RIGHTS AND RESPONSIBILITIES  
OF EMPLOYEES  
UNDER THE  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973 (CAL/OSHA)

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## PREFACE

This booklet is dedicated to the improvement of the job safety and health of the more than seven million working people in the State of California. The new California law is known as the California Occupational Safety and Health Act of 1973 (AB-150 by Assemblyman Jack Fenton).

It is important to realize that this new law set the stage and provided the authority for a governmental regulatory program. But, regulatory programs are only part of the answer. Equally important in the implementation of this law is the willingness of employees to communicate their concerns about health and safety hazards to appropriate individuals so that hazardous conditions may be eliminated without delay.

## INTRODUCTION

### How to Use this Booklet

This booklet covers the important aspects of the California Occupational Safety and Health Act from the employees point of view. Its purpose is to help employees stimulate corrective action on job safety and health hazards.

To use this booklet, first read it all the way through to familiarize yourself with the law and the methods that it provides for investigating, evaluating and controlling health and safety problems. Then, to handle a specific problem, look at the Table of Contents and select the sections which are pertinent to your needs.

## THE FEDERAL AND STATE LAWS

### What is Federal OSHA

OSHA stands for the Occupational Safety and Health Administration, a branch of the U. S. Department of Labor. OSHA was created by an Act of Congress, the Occupational Safety and Health Act of 1970 (PL 91-596), to provide for adopting and enforcing worker safety and health standards throughout the United States.

### What is CAL/OSHA

In passing the California Occupational Safety and Health Act, the State of California responded to a provision in the Federal Act which allows for state-run programs in job safety and health instead of federally-run programs. According to the Federal Act, all state programs must be at least as effective as federal standards and must cover public sector employees as well as private sector employees. Therefore, the California program, CAL/OSHA, covers city, county and state employees, and employees of most private corporations and businesses. To carry out this program, the state receives federal funds. In return, the state program must be responsive to federal law, federal guidelines and federal monitoring.

### Who is Covered by CAL/OSHA

Both public and private employees are covered by the Act, and it does not matter how few people are on the employer's payroll. However, certain employees are exempt from the Act's coverage, usually because they are already covered by other state or federal safety regulations. Thus, the Act applies to all workers (6303(a))\* except:

- Federal employees
- Household domestic workers
- Coal miners
- Metal and non-metal miners
- Railway workers not employed in railway shops

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\*References to specific sections of the California Act appear in brackets such as (6300(a)). The basic reference for this new legislation is California Labor Code.

Some motor carrier drivers on the road  
Airline pilots  
Some maritime workers  
Pipeline transport workers  
Workers covered by Atomic Energy Commission regulations

#### How Job Safety and Health is Enforced

Under CAL/OSHA, the State Division of Industrial Safety is responsible for making sure that all places of employment are safe and in compliance with applicable health and safety standards (6307). As part of this responsibility, the Division must prepare and distribute information on the prevention of occupational accidents and diseases. The Division must also provide occupational health and safety training programs and job safety and health consulting services upon request.

The Division of Industrial Safety and the Department of Health also has broad investigatory powers to inspect workplaces for violations of safety and health standards and generally unsafe and unhealthful conditions. When violations are found, the Division must inform the employer in writing and require the employer to correct the problem. This process of finding and correcting violations is structured to allow employees and employers to present their respective views of the problem. And, to insure the employee's freedom to complain, the California Act includes provisions intended to protect the employee from employer retaliation for his/her exercise of employee rights under the Act.

Civil fines and criminal penalties in the California Law give the Division's enforcement powers their real bite. Although public employers are not subject to the civil fines provided in the Act, they may be prosecuted under the criminal penalty provisions (6423, 6425, 6426). To encourage and support such prosecutions, the California Law provides for a new Bureau of Investigations. This new Bureau is responsible for conducting special investigations and preparing cases for prosecution involving violations of standards and safety orders in which there has been a serious injury or death (6315). It should be noted that the term "employer," as defined in the Act, includes every officer, management official and supervisor having direction or custody

of any employment or other employee. Thus, when line supervisors or others in supervisory positions become aware of a safety or health problem, they must take all reasonable steps to correct the problem or risk criminal prosecution should a serious injury or death occur (6423, 6425). This means that any person who is in charge of other employees should take prompt action to eliminate job hazards as soon as he/she learns of them.

#### How CAL/OSHA Relates to Unions

The California Occupational Health and Safety Act gives rights to individual employees. The Act also gives unions rights to file complaints and to be kept informed. Thus, your union or employee organization can be indispensable in assuring your rights to a safe and healthful workplace. Unions can and do develop health and safety policies. Therefore, when you have a complaint, it is in your best interest to be aware of your union's policies.

Your union representative may have developed considerable expertise in using the procedures which CAL/OSHA requires you to follow. The union can help you file a complaint. Similarly, it can make sure that neither CAL/OSHA or your employer undercuts your right to action and answers. The union can also protect your right to remain anonymous by having the union representative sign the complaint. The union may also exert direct pressure on the employer to correct work hazards.

In addition to CAL/OSHA protections, your union may have specifically provided for alternative ways to enforce safe and healthful working conditions. Some union contracts contain health and safety clauses which put the employer under a contractual duty to maintain a safe and healthy workplace. If these contracts also provide for grievance and arbitration procedures, the union may pursue your health and safety grievance through this channel. For this reason, you should be aware of any union policy in this area. In any event, the law says that a worker always has recourse to OSHA's procedures. In other words, you retain your rights to file a complaint under CAL/OSHA regardless of the fact that your complaint went through negotiated procedures.

Your union can also help protect you against any employer retaliation which results from the exercise of your rights under OSHA. For instance, if your

employer discriminates against you because you complained about a safety hazard, the union can help you use the specific procedures that CAL/OSHA provides for preventing such retaliation. Or the union may have special procedures under the union contract for pursuing employee complaints about employer reprisals, such as dismissal or demotion. For more information, see the section in this booklet entitled, "Protection of the Employee Against Retaliation."

If you are an employee of a public agency where collective bargaining is not fully developed, your employee organization may not have a grievance or arbitration procedure. Nonetheless, health and safety issues are still subject to the "meet and confer" procedures which exist in the public sector.

#### DECIDING IF A SAFETY OR HEALTH HAZARD EXISTS

##### Safety Hazards

A safety hazard can be defined as a situation in which you or your fellow employees may be injured or killed. Some examples of common safety hazards are faulty electrical wiring, platforms with no railings, unguarded gears, belts and pulleys, careless use of flammable solvents, power grinding without eye protection, and countless other job situations where people may be electrocuted, burned, cut, crushed, blinded, or otherwise hurt. Safety standards prescribe job conditions designed to prevent these accidents. While you should be familiar with the safety standards for your job, you should not worry about being a safety expert. If you feel that safety standards are being violated or that your job is somehow unsafe, you should discuss the problem with your supervisor and/or union representative or file a complaint as described later in this booklet. Your responsibility is to make your questions known so that experts representing your employer, your union, or CAL/OSHA can decide if there is a problem.

##### Health Hazards

A health hazard is usually more complicated than a safety hazard, but can be defined as a job situation where you or your fellow employees can be poisoned

or made sick by chemicals or other harmful agents such as heat, noise, x-rays, microwaves, dust, fumes or gases. Examples of some job-caused illnesses are headaches from automobile exhaust, skin rashes from use of solvents, lung disease from inhalation of dust, hearing loss from loud noise, eye damage from arc welding, and cancer from contact with certain chemicals. Job health hazards are more difficult to evaluate than safety problems. Therefore, do not hesitate to ask for help. CAL/OSHA includes health standards designed to protect worker health, so if you or your fellow employees feel that something on your job is damaging your health, talk to your supervisor and/or union representative, or file a complaint.

#### How Safety and Health Standards are Established

California has a set of occupational safety and health standards which set minimum conditions the employer must maintain in order to have a safe workplace. Any violation of these standards is presumed to create a hazard and must be cited when noted by inspectors from the Division of Industrial Safety.

New or revised standards will be adopted by the California Occupational Safety and Health Standards Board, an agency created by CAL/OSHA. This is the only state agency authorized to adopt occupational safety and health standards enforceable under the California Act. All meetings of this Board are open to the public. Furthermore, at each meeting, time must be provided for interested people such as affected employees and employee representatives to propose or comment on new or revised standards. The Board must report its decisions of these new or revised standards within six months (142.2). Concerned employees can use this opportunity to work for needed standards where standards are either inadequate or non-existent.

Newspapers in San Francisco, Sacramento, Fresno, Los Angeles and San Diego will carry notices of all Board meetings. Written notice of Board meetings can be received by sending a written request in a letter to the Occupational Safety and Health Standards Board, California Department of Industrial Relations, 1006 Fourth Street, Sacramento, California 95814.

### Getting Copies of CAL/OSHA Standards

California's occupational safety and health standards are published under Title 8, California Administrative Code and are known as the California Safety Orders. Of this group of orders, two sets, the General Industry and the Construction Safety Orders, include the standards and regulations that apply to most places of employment in the state. Copies may be obtained by writing to the State of California, Documents Section, P.O. Box 20191, Sacramento, California 95820. See the Appendix in the back of this booklet for a price list of all of the currently available safety orders.

Appendix L lists the CAL/OSHA Safety Orders that pertain to training and physical examination requirements.

### Federal OSHA Standards

Under the Federal Law (PL 91-596), California's standards must be as effective as the nationwide standards published by the United States Department of Labor, Occupational Safety and Health Administration (OSHA). A copy of these federal standards may be obtained at no cost from the United States Department of Labor, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102.

## HOW HAZARDS ARE INVESTIGATED UNDER CAL/OSHA

### The Routine Inspection

An inspector can visit any place of employment to make a routine health and safety inspection (6309). Even though this is a routine inspection, the inspector must inform the employer of his arrival and must seek out an employee representative to accompany the inspector during the inspection process. Where there is no authorized employee representative, the inspector must consult privately with a reasonable number of employees (6314(d)). Also, any employee, employee representative or employer has the right to talk privately to the inspector during the course of any inspection or investigation (6314(d)).

In addition, the Division must investigate the causes of any on-the-job fatality of one worker or any serious injury to five or more workers (6313(a)).

But don't wait for a routine inspection or a serious accident if you feel that there are health or safety problems on your job. Talk to your supervisor or union representative, or file a complaint or telephone directly to the Division. Because of the great many places of employment and the limited number of inspectors, the chance of an inspector visiting your job on a routine inspection is remote.

#### Inspection Resulting from an Employee Complaint

California's Occupational Safety and Health Act gives you the right an an employee to bring a CAL/OSHA inspector to your job by making an official complaint directly to the Division of Industrial Safety. You do not have to talk to anyone before making the complaint, and the Division by law must not reveal your name to anyone unless you specifically request otherwise (6309). In some situations, however, speaking to a supervisor or a union representative may solve the problem. Employers who are interested in the health and safety of employees will voluntarily correct problems without any need for intervention by CAL/OSHA. In addition, unions are becoming more and more concerned with health and safety and are changing their contracts with employers to provide procedures for better resolution of job health and safety problems. Unions also have the right to use the complaint procedure to bring CAL/OSHA inspectors to places of employment within their jurisdictions. Thus, the employee has several alternatives when faced with a particular health or safety problem and should use the approach which fits his/her circumstances best.

#### Refusal to Work on Dangerous Jobs

There is one more special method for controlling extreme danger only. CAL/OSHA says that any employee may refuse to work in a situation where official safety or health standards are violated, if such a violation creates a real and apparent hazard to the employee (6311). In other words, under California law, employees may refuse to work on jobs where such work would clearly expose

them to extreme danger to life or limb. In these cases, the employer is forbidden from laying off or otherwise discriminating against employees who refuse to work (6311).

It is important to recognize that refusal to work is an unusual remedy that should only be used when actually necessary. If you must use this section of the law to protect yourself, inform you supervisor and immediately call the nearest office of the State Division of Industrial Safety (a list of telephone numbers is included in the back of this booklet). Also, contact your union, take photographs if possible, note the names of witnesses and send follow-up letters to confirm your telephone calls to the Division of Industrial Safety and others.

If you are laid off or discharged for refusal to work as described here, CAL/OSHA can protect you against such action, but only if you act within ten days of the alleged discriminatory action. Within ten days you must notify your employer that you intend to file a complaint with the State Labor Commissioner. Then within 30 days of the discriminatory action, you must actually file the complaint with the Labor Commissioner. A list of addresses and phone numbers of the offices of the State Labor Commissioner are listed in the Appendix of this booklet. Upon receiving your complaint, the Division of Labor Standards Enforcement must investigate. If Sections 6310 or 6311 of the California Act have been violated, the Division of Labor Standards Enforcement must bring appropriate court action at no cost to the employee to bring about rehiring or reinstatement of the employee to his former position with back pay (6312).

Additionally, your union will be able to help you cope with these problems by assisting with filing complaints representing you as provided in their labor-management agreement. For a more complete discussion of protection against retaliation see the section in this booklet entitled, "Protection of the Employee Against Retaliation."

## HOW TO USE THE COMPLAINT PROCEDURE

### Filing a Complaint

Filing a complaint about a job safety or health problem is simple. Just write a letter or send a filled-out complaint form to the Division of Industrial Safety's office nearest you. If the situation is so bad that someone is likely to be injured or killed before you can write a letter or fill out a form, immediately telephone the nearest office of the Division. The addresses and phone numbers of these offices throughout California are listed in the Appendix at the end of this booklet. If you do telephone the Division regarding a job hazard, you should follow-up the phone call with a brief complaint letter or form so that your complaint is documented in writing. The written complaint IS important, because it can be used to protect you against retaliation. It also assures that you will be kept informed of the Division's findings. These two points are covered in more detail later in this booklet.

The letter you write or the complaint form that you fill out should contain sufficient detail to enable the Division to determine that the situation calls for an inspection. But, you are not expected to be an expert, so state the problem in your own words without exaggerating the condition, as there are penalties for knowing falsification (6426). A sample complaint letter and complaint form are provided for you in the Appendix.

### Your Right to Remain Anonymous

You have a right to remain anonymous when making the complaint (6309). Amendments to this provision restricts the Division from disclosing your name unless you specifically request otherwise. You should retain a copy of the complaint letter or form for your files.

An employee representative such as a union business agent or union official also has the right under CAL/OSHA to file a complaint and to request a health or safety inspection (6309). In some cases, it may be best for the employee

to avoid any possibility of trouble with his employer over health and safety matters by simply asking a person from the employee organization or union to sign the complaint and to follow-up on it.

#### Getting Complaint Forms

CAL/OSHA Complaint Forms may be obtained from any of the Division of Industrial Safety offices. A complaint form simplifies the process, yet insures that pertinent information is included. Additionally, a second copy of the form can be retained to provide a written record for the person or employee group making the complaint.

Federal OSHA recognized the need for such forms and has distributed them widely as part of its nationwide program. In the absence of state complaint forms, Federal OSHA has indicated that their forms may be used to file CAL/OSHA complaints. These federal forms are available from the United States Department of Labor, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102. Complaints may be sent to this address as well as the offices of the State Division of Industrial Safety. However, current policy is that any complaints sent to the federal address will be forwarded to the state program for action.

#### The Importance of a Written Complaint

Remember, there is nothing special about a complaint form--it's just an easy way for you to get the necessary facts on a piece of paper. So if you can't get a blank complaint form, write a complaint letter to the Division. You do not have to be an expert in safety or health to write a complaint letter. Follow the example letter shown in the Appendix, using your own words to describe the problem or problems. You can also telephone a complaint to the Division. Telephoned complaints, however, are not recommended except in emergencies. If you do telephone the Division, be sure to: (1) follow the phone call with a confirming complaint or letter and (2) keep a copy for your file.

#### What Happens After the Complaint is Filed

Within three days from the Division's receipt of your complaint, they must respond (6309). However, this provision applies only to complaints which

allege "serious" violations. For "non-serious" violations, the Division may take longer to respond. Either an inspector will visit the workplace with no advance warning, or you will receive a letter explaining that your complaint does not have a reasonable basis for requiring an inspection. Or, the Division may decline to inspect because they determined that you filed the complaint for harassment purposes only. In any event, if there is no inspection, you must be given reasons in writing by the Division (6309). If you do not get an inspection in response to your valid complaint, see the section in this booklet entitled, "What if the State Program Fails to Act."

#### What About Advance Warning of the Inspection

The law provides special penalties of up to six months in jail and/or \$1,000 fine to any person who gives advance notice of any inspection (6321). This is to prevent the employer from temporarily discontinuing hazardous operations just prior to the official inspection. The Chief of the Division of Industrial Safety may authorize advance warning of an inspection in special cases, such as an extreme hazard situation.

### THE INSPECTION TOUR

#### What to Do During the Inspection

Upon arrival, the inspector will show his/her credentials to the employer; this allows the inspector free access to any workplace. The employer may have a management representative accompany the inspector. Employees also have the right to have a representative accompany the inspection (6314).

The law says the inspector is not to be hampered or obstructed in his/her inspection. Any delays in the inspection due to problems over choosing the employee representative could be construed as hampering the inspector. In this event, the inspector may proceed without an employee representative. If there is no employee representative the inspector must interview employees (6314). The interviewing, however, is probably less effective

than an employee representative accompanying the inspector, because the employees chosen at random by the inspector are less likely to know about all the safety problems throughout the entire workplace than a knowledgeable employee representative.

Therefore, it is important for employees to select a concerned, well-trained representative and to make sure that everyone knows his/her identity to avoid confusion when the inspector arrives. This means that if there are different employee organizations in one location, employees should still agree on who is the employee representative for purposes of accompanying the inspector. It is also important to be sure there is an authorized representative for each shift and that back-up representatives are chosen in case the first representative is absent. Notifying management of the name(s) of employee representative(s) and back-up(s) will help prevent confusion during an inspection.

A problem can arise if the inspection covers restricted areas for which the employee representative lacks clearance. In this event, the employee representative should wait outside the restricted area and rejoin the inspector when he returns to unrestricted areas. Within the restricted area, the inspector can interview employees alone or have another employee representative who has the necessary clearance accompany him/her.

During the inspection, every employee has the right to discuss health and safety problems privately with the inspector as he/she passes through the workplace (6314(d)). If an employee is concerned about an unsafe job condition, the employee should either inform the employee representative or tell the inspector about the problem. An employee's statements have more force if he/she can pinpoint the violation of a specific standard. But employees should also discuss generally unsafe conditions with the inspector.

#### Tagging

During the inspection, if the inspector finds a situation of extreme hazard, the inspector must prohibit entry to the affected area and/or use of the dangerous equipment. If this happens, the inspector will post a conspicuous

notice to that effect. From then on, it is illegal to enter the dangerous area or use the equipment. It is also illegal for anyone to remove the posted notice or for the employer to ask an employee to enter the dangerous area or to use the unsafe equipment without permission from the Division (6325, 6326). Such permission will be given only to repair or eliminate the dangerous condition.

### Closing Conferences

After completion of the inspection, the inspector is obligated to have separate closing conferences with both the representative of the employer and the representative of employees. The conference with the employer representative will be held automatically whether the employer requests the meeting or not. However, the meeting with the representative of employees will not be held unless it is requested by the representative of employees. In some cases a joint closing conference is possible if the employer agrees. This opportunity for a closing conference should be utilized to insure that the inspector has noted all of the employee complaints during the tour through the place of employment. To accomplish this objective, the employee representative should ask for a short verbal review of all of the specific hazards and alleged violations found by the inspector. During this discussion, the employee representative should make written notes so that he can inform affected employees and so that he can check later to insure the hazards are actually abated.

## WHAT HAPPENS AFTER THE INSPECTION

### The Alternatives

After the inspector has been to the workplace, a number of alternatives exist, depending on the problems found. If the Division believes that the employer violated a safety or health standard, the Division must issue a citation with reasonable promptness (6317). Additionally, the Division may order the plant or process immediately closed in the case of imminent danger to employees, or

it may seek criminal penalties against the employer, depending upon the seriousness of the violation (6325, 6423). Private employers may also be fined for violating safety or health standards or for failing to correct these violations within the period fixed by the Division (6427, 6428, 6429, 6430).

#### The Citation

A written citation will be used by the Division when they find a health or safety violation. It is a piece of paper informing the employer and employees of the specific violations and prescribing the time period fixed by the Division for correcting the violations (this time period is called the abatement period). The citation can be issued any time within six months, but it should be issued with reasonable promptness (6317). The size of the fine in dollars and the length of the abatement period will vary according to the seriousness of the violations found and the ease or difficulty of correction. The important point to remember is the Division must issue a citation whenever a violation of a safety or health standard is discovered. The Division must conduct an informal review of any refusal by a CAL/OSHA inspector to issue a citation for an alleged violation and must furnish a written statement of the findings of this review upon the request of the complaining employee or his/her representative (6309).

Once a citation is issued, the employer must post it for employees to see for three days or until the violation is corrected, whichever time period is longer (6318). The objective of a citation is to get the employer to eliminate the health and safety violations within a reasonable time. If the citation is disobeyed and the violation is not corrected within the prescribed abatement period, the employee should notify the Division in writing using a complaint form or a letter. For extreme hazard situations, telephone the Division directly. The Division should send someone out to reinspect. Here, too, employee actions are protected against retaliation (6309, 6310).

### APPEALS AGAINST CITATIONS

Employers and/or employees can appeal citations to the CAL/OSHA Appeals Board within 15 days of the receipt of the citation (6600, 6602). Copies of the official forms for filing employer and employee appeals are included in the Appendix of this booklet. If there is no appeal within the 15-day period, the citation becomes a final order and is no longer appealable.

Employees have a right to participate as parties in an appeal hearing, regardless of whether the employees or the employer filed the appeal (6602, 6603). Participation in such hearings is protected by the anti-retaliation provisions of the Act (6310). After the Appeals Board gives its decision in the appeal, any affected person can petition for reconsideration of that decision if the petition is within 30 days of the Board's decision (6614).

### INFORMATION PROVIDED TO THE PERSON WHO COMPLAINS

The Division is charged by law with keeping accurate records of all complaints, verbal or written (6309). This section of the law also provides that the complainant shall be informed of any action taken in regard to the complaint and the reasons for such actions.

If you complain to the Division about an unsafe or unhealthy work situation, you should receive a written reply as to the action taken (or not taken) by the Division. If you do not hear from the Division in writing in a reasonable length of time after sending in a complaint, telephone the nearest Division office and ask why you have not been kept informed. If, after this phone call, you still do not receive a reply, notify Federal OSHA as described in this booklet under the section, "What if the State Program Fails to Act." Of course, if the problem involves extreme hazard, don't wait; telephone the Division immediately. If the Division does not respond, call Federal OSHA at (415) 556-7260 or (213) 548-2431.

## PROTECTION OF THE EMPLOYEE AGAINST RETALIATION

### Protection Provided by CAL/OSHA

Fear of employer reprisal can deter employees from exercising their rights to have a safe workplace. Therefore the California Occupational Health and Safety Act has a special section intended to protect employees against job loss or financial penalty who exercise their rights under sections of the law (6309, 6310, 6311, 6312). To the extent that laws can protect, the Act forbids employers from firing or otherwise discriminating against any employee for sending complaints to the Division or refusing to work in violation of safety orders (6310, 6311). If the employer does not respect these rights, the employee is entitled to reinstatement and reimbursement for lost wages and work benefits caused by the employer. If an employee is fired or discriminated against for pursuing his/her rights under the California Act, he/she should notify his/her employer of intention to file a claim within ten days of the alleged discriminatory action and submit a complaint to the Labor Commissioner, Division of Labor Standards Enforcement, California Department of Industrial Relations, 455 Golden Gate Avenue, San Francisco, California 94102. (A statewide list of Labor Commissioner's branch offices and a complaint form appears in the Appendix.) The complaint form should describe the problem and should be mailed within 30 days of the alleged discriminatory action. Within 30 days of receiving your complaint, the Division of Labor Standards Enforcement must review the facts of your case, notify you and your employer of its findings, and where necessary, initiate appropriate court action to enforce its decision (6312).

### Protection Provided by Unions

Unions have additional channels to help prevent retaliation against employees. For instance, if you are covered by a union contract that bars employee dismissal except for "just cause," the union can take action to protect your rights to complain against hazardous working conditions or to refuse to work in violation of CAL/OSHA standards. Generally, the union's course of action will involve the use of grievance and arbitration procedures provided in the

labor-management agreement. And under CAL/OSHA, an employer who refuses to abide by a grievance or arbitration decision ordering back pay or other relief for employer retaliation could be convicted of a misdemeanor (6309). Additional protection in connection with union activity is provided by the National Labor Relations Act in Sections 8(a)(1) and 8(a)(3). Moreover, refusal to work because of abnormally dangerous conditions cannot be deemed an illegal strike under the Labor-Management Relations Act Section 502.

Note that going through arbitration and/or filing a complaint under the sections of the National Labor Relations Act mentioned above will take much more time than the 30 days permitted by CAL/OSHA for complaints to the Labor Commissioner. Therefore, if you use the union-related procedure, you may also wish to simultaneously file a complaint with the Labor Commissioner in order to meet those deadlines and to preserve your access to the CAL/OSHA protection provided by the Labor Commissioner's Office. The union can also help you file this complaint with the Labor Commissioner.

Remember that the anti-retaliation sections of the laws mentioned here should be used with good judgement and caution as they have not been thoroughly tested in the courts.

Another form of protection of the individual employee against retaliation provided by unions and other employee groups is that these groups can file CAL/OSHA complaints (6309). By asking a union or employee group representative to file a health or safety complaint for you, your name can be completely left out of the CAL/OSHA complaint process. In this way the chances of misunderstanding between you and your employer can be significantly reduced.

#### WHAT IF THE STATE PROGRAM FAILS TO ACT

The Federal Occupational Safety and Health Act of 1970 (PL 91-596) placed all authority for safety and health in places of employment in the U. S. Government. But under this Act, states such as California, were delegated this authority over workplaces in return for agreeing to carry out an occupational safety and health program which conformed to federal guidelines.

If in your opinion the state program fails to measure up by failing to respond to your complaint, failing to issue citations for violations, failing to enforce health and safety standards, failing to follow procedures prescribed by CAL/OSHA, or failing to protect your rights against discrimination, promptly notify the Federal OSHA Office. Federal OSHA has prepared special forms for this purpose (see Appendix) and asks that all employees assist them in supervising state programs by sending in complaint forms or letters of complaint whenever deficiencies in the state programs are noted. These forms (termed CASPA Forms) may be obtained from the United States Department of Labor, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Box 36017, San Francisco, California 94102. If you cannot obtain a complaint form, simply write a letter stating the problem to the above address. Begin your letter by saying, "This is a complaint against State OSHA program administration," or more simply, "This is a CASPA." The right to make a CASPA complaint and other employee rights appear in both Spanish and English on all CAL/OSHA posters. These posters must be prominently posted in all places of employment in California (6328).

#### YOUR RESPONSIBILITIES AS AN EMPLOYEE

The law charges you, as an employee, with certain responsibilities for your own health and that of your fellow employees (6325, 6326). These responsibilities are:

- a. You must not deface or remove notices posted by the Division to prohibit use of an unsafe machine or to prohibit entry to an unsafe area (6325).
- b. You must obey notices prohibiting the use of unsafe equipment or entry to unsafe areas which are posted by the Division. Failure to obey such a notice or to deface, destroy or remove it without permission from the Division is a misdemeanor punishable by a fine or up to a year in the county jail (6326).
- c. You must not remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning furnished for use in any place of employment (6406(a)).
- d. You must not interfere with the use of any item, mentioned in (c.) above, by any other person (6406(b)).

- e. You must not interfere with the use of any method or process adopted for the protection of any employee including yourself (6406(c)).
- f. You must not fail or neglect to do everything reasonably necessary to protect the life, safety and health of employees (6406(d)).
- g. You must comply with all occupational safety and health standards, rules, regulations and orders which are applicable to your actions and conduct on the job (6407).

#### THE EMPLOYER'S DUTY TO PROVIDE INFORMATION TO YOU

To fulfill their duty of furnishing a safe and healthful workplace, all employers covered by the Act are required to provide certain information to their employees. The information you, the employees, are entitled to includes:

- a. Information regarding protections and obligations of employees under the Occupational Safety and Health Act (6328, 6408(a)). This information must be posted in the workplace in English and in Spanish.
- b. The posting of citations at or near the place of the violation (6408(b)).
- c. The opportunity to observe monitoring or measurement of employee exposure to toxic chemicals or harmful physical agents (142.3, 6408(c)).
- d. Access to accurate records of employee exposure to potentially toxic materials or harmful physical agents (6408(d)).
- e. Notification to any employee who has been or is exposed to excessive (measured against the published standards) toxic materials or harmful physical agents, and notification to that employee of the corrective action being taken (6408(e)).
- f. Posting of labels or other forms of warning to ensure that employees are apprised of all hazards to which they are exposed, relevant symptoms, appropriate emergency treatment, and proper precautions (142.3(b)).
- g. Results of any medical examinations or tests made at the employer's expense in connection with occupational health and/or safety (142.3(c)).

If an employer is not giving you or your authorized representative access to this information, file a written complaint to the Division.

## VARIANCES

An employer can request an order for a variance from a health and/or safety standard. The variance means that a specific standard does not apply to that employer, and cannot be enforced against him/her. The variance should provide for equal or better protection than the original standard. A variance may in fact reduce the level of worker protection if all of the facts are not considered before it is granted. Therefore, employees and their representatives should be aware of and participate in variance proceedings.

### Temporary Variances (Granted by the Division of Industrial Safety)

An employer who establishes that he/she cannot comply with a standard by its effective date, and who shows the Division that all available steps to protect the employees against the hazard covered by the standard are being taken, and who offers a plan to comply with the standard as quickly as practicable may be granted a temporary variance (6450, 6451). A variance may also be granted to participate in a Division-approved experiment (6452).

For any temporary variance request, the employer must certify to the Division that he/she has informed the employees of the application for the variance by giving the employees' authorized representative a copy of it and making it available to all employees (6451(e)). This information to employees must also tell them of their right to petition the Division for a hearing on the variance (6451(e)).

If an employee or employee organization opposes the variance, they should immediately write to the Division and request a hearing on the issue (6451(e), 6455). The hearings must give any affected person the opportunity to submit facts or arguments (6453). The hearing can be informal, and may only involve a letter in which employees set forth their reasons for opposing the variance (6453).

Once the decision on the variance has been made, an affected person, including the employer, can appeal (6455). The appeal is not to the Division of Industrial Safety but to the Occupational Safety and Health Standards Board. If

you wish to appeal a Board decision, you must file within 15 working days of the employer's receipt of the notice granting or denying the variance (6455). The Standards Board decision on a given appeal must be in writing. This decision is final, except that it may be reviewed by a court (6457).

If an employer requests an interim order for a temporary variance the Division may issue it pending a hearing on the application for a temporary variance. This depends on the employer's showing that the place of employment will be safe for employees in this interim time. If you feel it is not safe, contact the Division and urge them to rescind this interim order.

Once a temporary order approving a variance comes down, it can only be effective for as long as the employer needs it in order to comply with an official standard--and in any event, no longer than one year. A temporary variance order can be renewed twice, each for additional 180-day periods (6450(b)).

#### Permanent Variances (Granted by the Occupational Safety & Health Standards Board)

Your employer may also request a permanent variance from a health and/or safety standard. To do this, the employer must present an alternate program, method, practice, means, device or process to the Board which will provide employee safety equal or superior to the level set by the standard (143(a)). The employer must show this by a preponderance of the evidence. The Board can also grant a permanent variance when it is necessary for an experimental program aimed at improving health and safety for workers (143(c)).

The Board will conduct hearings on a permanent variance request after employees have been notified and given a chance to appear (143.1). The Board's decision is final, except that it can be reviewed by a court (143.1). Moreover, an employer or the employees can apply to the Board for a modification or revocation of the permanent variance; the Division or Board can also revoke or modify it on their own motion (143(d)).

## CONSTRUCTION PERMIT REQUIREMENTS

For three types of hazardous work, all private employers, except public utilities, are required to obtain a permit from the Division before operations begin (6500). These are:

- a. Construction of trenches or excavations which are five feet or deeper and into which a person is required to descend.
- b. The construction of any building, structure, falsework, or scaffolding more than three stories high.
- c. The demolition of any building, structure, falsework, or scaffolding more than three stories high.

A copy of the permit must be posted for the information of employees (6504).

The Division may require a safety conference prior to the start of actual work (6502). This conference must include representatives of the owner or contracting agency, the contractor, the employer, employees and/or employee representatives. The employer's safety program and the means and practices he/she intends to use in providing a safe place of employment must be discussed in the conference (6503).

The Division may revoke this permit for good cause at any time (6505).

## SAFETY AND HEALTH RESEARCH

### NIOSH

The United States Congress, in passing the Occupational Safety and Health Act of 1970, recognized that continuing research on the harmful effects of chemicals, industrial processes and all kinds of jobs would be required in order to establish new standards and to protect working people from new hazards. To carry out this research work throughout the United States, Congress created the National Institute for Occupational Safety and Health, better known as NIOSH. This agency does not carry out enforcement, but it is authorized to enter any place of employment to carry out health hazard evaluations and other work relative to determining whether any chemical substance or physical agent such as heat or microwaves is harmful to employees.

NIOSH has organized its services as follows:

1. Hazard evaluations at the worksite. Upon request, NIOSH personnel will perform complete evaluations of working conditions by analyzing chemical samples measuring physical agents and examining the health of workers. Part of this service includes the development of non-hazardous work practices and processes for hazard control.
2. Technical information services. NIOSH maintains a technical information center. They will provide written answers to questions from employees, unions, and employers on safety or health hazards, such as toxicity of particular chemicals, use of respiratory protective equipment, methods for chemical analyses, etc.
3. Accident prevention services. Direct technical assistance is available for controlling on-the-job injuries resulting from accidents.
4. Industrial hygiene services. These services include the identification and evaluation of special health-related problems in the workplace and recommendations for control measures.
5. Medical services. NIOSH will assist in solving occupational medical and nursing problems. This includes determining medical and nursing needs for specific places of employment.

You can initiate research along the lines described above in your place of employment by filling out the NIOSH "Request for Health Hazard Evaluation" shown in the Appendix of this booklet. Copies of this form may be obtained from: NIOSH, United States Department of Health, Education and Welfare, Region IX, 50 Fulton Street, Room 254, Federal Office Building, San Francisco, California 94102, Telephone: (415) 556-3781.

## **APPENDICES**

APPENDIX A

Offices of The Division of Industrial Safety

Main Offices

San Francisco.....	455 Golden Gate Ave.	94102	415-557-1946
Los Angeles.....	3460 Wilshire Blvd.	90010	213-736-3035

Regional Offices

Fresno.....	2550 Mariposa St.	93721	209-488-5302
Los Angeles.....	3460 Wilshire Blvd.	90010	213-736-3041
Los Angeles.....	8155 Van Nuys Blvd.	91402	213-782-1800
Sacramento.....	2422 Arden Way	95825	916-445-5818
San Diego.....	1309 State Street	92101	714-236-7325
San Francisco.....	1540 Market Street	94102	415-557-1677

District Offices

Bakersfield.....	225 Chester Ave.	93301	805-324-6437
Concord.....	1070 Concord Ave.	94520	415-676-5333
El Monte.....	3415 Fletcher Ave.	91731	213-572-6960
Long Beach.....	230 E. Fourth St.	90802	213-590-5035
Los Angeles.....	3460 Wilshire Blvd.	90010	213-736-3041
Modesto.....	1800 Coffee Rd.	95355	209-529-7751
Oakland.....	1111 Jackson St.	94607	415-464-0660
Panorama City.....	8155 Van Nuys Blvd.	91402	213-782-1800
Redding.....	1421 Court St.	96001	916-246-6571
Salinas.....	21 W. Laurel Dr.	93902	408-449-7235
San Bernardino.....	303 W. Third St.	92401	714-383-4321
San Jose.....	888 N. First St.	95112	408-277-1260
San Mateo.....	2555 Flores St.	94403	415-573-1718
Santa Ana.....	28 Civic Ctr. Plaza	92701	714-558-4141
Santa Barbara.....	3704 State Street	93105	805-682-2578
Santa Rosa.....	725 Farmers Lane	95401	707-542-8802
Stockton.....	32 E. Channel St.	95202	209-948-7762
Vernon.....	2833 Leonis Blvd.	90058	213-589-5848

Field Offices

Chico.....	555 Rio Linda Ave.	95926	916-345-7131
Eureka.....	619 Second St.	95501	707-442-5748
Ukiah.....	264 E. Smith St.	95482	707-462-8850
Ventura.....	5740 Ralston	93003	805-644-8219

NOTE: The offices listed on this page will handle safety and health complaints.

APPENDIX B

OFFICES OF THE STATE LABOR COMMISSIONER

San Francisco - Headquarters Office	415-557-3827
455 Golden Gate Avenue - Room 2246	415-557-3200
P.O. Box 603	
San Francisco, California 94102	

District Offices

Bakersfield.....	225 Chester Ave.	93301	805-327-4857
Burlingame.....	1290 Howard Ave.	94010	415-342-7235
El Centro.....	380 N. 8th St., Suite 2	92243	714-353-0585
Eureka.....	619 Second St.	95501	707-442-5748
Fresno.....	2550 Mariposa St. Room 4092	93721	209-488-5144
Inglewood.....	520 N.La Brea Ave.	90302	213-674-6522
Long Beach.....	230 E. 4th St.	90802	213-590-5044
Los Angeles.....	107 S. Broadway Room 5015	90012	213-620-5130
Oakland.....	1111 Jackson St. Room 3023	94607	415-464-1353
Pomona.....	300 S.Park Ave. Room 830	91769	714-623-4306
Redding.....	2115 Akard Ave.Rm.17	96001	916-246-6406
Sacramento.....	2422 Arden Way Suite 50	95825	916-445-8478
Salinas.....	21 W. Laurel Dr. Suite 73	93901	408-449-5467
San Bernardino.....	303 W. 3rd St. Room 140	92401	714-383-4333
San Diego.....	1350 Front St. Room 3064	92101	714-236-7334
San Jose.....	888 N. First St. Room 301	95112	408-277-1265
Santa Ana.....	28 Civic Ctr.Plaza Room 429	92701	714-558-4111
Santa Barbara.....	411 E.Canon Perdido	93101	805-963-1438
Santa Rosa.....	725 Farmers Lane Bldg. "B"	95405	707-546-6350
Stockton.....	31 E. Channel St. Room 328	95202	209-948-7770
Vallejo.....	600 Marin St.	94590	707-644-7755
Van Nuys(Panorama City).....	8155 Van Nuys Blvd. Room 950	91402	213-782-3733
Whittier.....	13215 E. Penn St. Suite 300	90602	213-698-2278

NOTE: The offices listed on this page will handle cases of employer retaliation against employees who make safety or health complaints.

APPENDIX C

Example Letter of Complaint

Chief  
California Division of Industrial Safety  
455 Golden Gate Avenue  
San Francisco, California 94102

Dear Sir or Madam:

This letter is a formal request for an inspection with regard to safety and health hazards at the Blank City Municipal Shops located at 000 Industrial Drive, Blank City, CA.

Problems are as follows:

1. Unguarded belts on machinery.
2. Frayed electrical wiring on portable tools.
3. Poor housekeeping - fire hazard.
4. High noise levels on woodworking machinery.
5. Paint spray mist in paint shop.
6. What is the hazard from the solvent used to strip paint off of old desks? Men also use this to wash their hands.
7. Air is full of dust in the sandblasting department.
8. People who work in the auto body shop seem to have lots of skin rashes on their hands and legs.
9. Food from the vending machine in the locker room is often spoiled.
10. There are no drinking fountains.
11. Chemical odors from the duplicating machines worry the operators as to possible effects on their health.

Additional problems will be brought to the attention of your field representative during the walkaround inspection. The following are employee representatives who will be available to participate in the walkaround inspection:

Day shift - name, location, phone number.  
Afternoon shift - name, location, phone number.  
Night shift - name, location, phone number.  
(Include the above list of names if appropriate.)

In accordance with CAL/OSHA, I wish to receive copies of any notices, citations or findings resulting from the inspection and to be kept fully informed of your progress.

I do not want my name revealed to the employer. (This last sentence may be left out if you are not concerned about the employer learning your identity or if you are employee representative.)

Sincerely,

Sign your name here  
Insert mailing address here

NOTE: Keep a carbon copy for your files.

APPENDIX D  
**COMPLAINT**

STATE OF CALIFORNIA  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 DIVISION OF INDUSTRIAL SAFETY

**CONFIDENTIAL**

	For Office Use Only
Complainant's Name _____ <span style="margin-left: 250px;">Type or Print</span>	A. Region _____ Rec'd By _____ Date _____
Position _____	Telephone <input type="checkbox"/> Written <input type="checkbox"/> Oral-In Person <input type="checkbox"/>
Address _____ <span style="margin-left: 250px;">Street</span>	B. District _____ Rec'd/Reg: Date _____ Time _____
City _____ Zip Code _____	C. District _____ Rec'd By _____ Date _____
Telephone Area ( ) _____ Area ( ) _____ <span style="margin-left: 100px;">Home</span> <span style="margin-left: 150px;">Office</span>	Telephone <input type="checkbox"/> Written <input type="checkbox"/> Oral-In Person <input type="checkbox"/>
	D. Complaint Log No. _____

Complaint (Check one)

Employee

Representative of employees

If you are a representative of employees, state the name of your organization: \_\_\_\_\_

Other (specify) \_\_\_\_\_

believes that a violation at the following place of employment of an occupational safety or health order exists which is a job safety or health hazard.

Does this hazard(s) immediately threaten death or serious physical harm?  Yes  No

Employer's Name \_\_\_\_\_

Address \_\_\_\_\_  
Street Telephone ( ) \_\_\_\_\_  
Area

City \_\_\_\_\_ Zip code \_\_\_\_\_

1. Kind of business \_\_\_\_\_
2. Specify the particular building or worksite where the alleged violation is located, including address. \_\_\_\_\_
3. Specify the name and phone number of employer's agent(s) in charge. \_\_\_\_\_
4. Describe briefly the hazard which exists there including the approximate number of employees exposed to or threatened by such hazard. \_\_\_\_\_



**U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

Form Approved  
OMB No. 0447-0409

For Official Use Only		
Area	Date Received	Time
Region	Received By	

**COMPLAINT**

This form is provided for the assistance of any complainant and is not intended to constitute the exclusive means by which a complaint may be registered with the U.S. Department of Labor.

The undersigned (*check one*)

- Employee     Representative of employees     Other (*specify*) \_\_\_\_\_

believes that a violation at the following place of employment of an occupational safety or health standard exists which is a job safety or health hazard.

Does this hazard(s) immediately threaten death or serious physical harm?     Yes     No

Employer's Name \_\_\_\_\_

Address (Street \_\_\_\_\_ Telephone \_\_\_\_\_  
(City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_)

1. Kind of business \_\_\_\_\_
2. Specify the particular building or worksite where the alleged violation is located, including address. \_\_\_\_\_
3. Specify the name and phone number of employer's agent(s) in charge. \_\_\_\_\_
4. Describe briefly the hazard which exists there including the approximate number of employees exposed to or threatened by such hazard. \_\_\_\_\_

*(Continue on reverse side if necessary)*

Sec. 8(f)(1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

*(Continued on reverse side)*

5. List by number and/or name the particular standard (or standards) issued by the Department of Labor which you claim has been violated, if known.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. (a) To your knowledge has this violation been considered previously by any Government agency? \_\_\_\_\_

(b) If so, please state the name of the agency \_\_\_\_\_

(c) and, the approximate date it was so considered. \_\_\_\_\_

7. (a) Is this complaint, or a complaint alleging a similar violation, being filed with any other Government agency? \_\_\_\_\_

(b) If so, give the name and address of each. \_\_\_\_\_

8. (a) To your knowledge, has this violation been the subject of any union/management grievance or have you (or anyone you know) otherwise called it to the attention of, or discussed it with, the employer or any representative thereof? \_\_\_\_\_

(b) If so, please give the results thereof, including any efforts by management to correct the violation. \_\_\_\_\_

9. Please indicate your desire:

I do not want my name revealed to the employer.

My name may be revealed to the employer.

*Continue Item 4 here, if additional space is needed.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

If you are a representative of employees,  
state the name of your organization \_\_\_\_\_

Address (Street \_\_\_\_\_ Telephone \_\_\_\_\_  
(City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

APPENDIX F

STATE OF CALIFORNIA—AGRICULTURE & SERVICES AGENCY—DEPARTMENT OF INDUSTRIAL RELATIONS  
 DIVISION OF LABOR STANDARDS ENFORCEMENT  
 STATE LABOR COMMISSIONER

FOR OFFICE USE ONLY	
TAKEN BY	CLAIM NO.
DATE	IWC NO.

**COMPLAINT**

PLEASE PRINT ALL INFORMATION

**1**

YOUR NAME (EMPLOYEE OR COMPLAINANT)		SOCIAL SECURITY NUMBER	TAX EXEMPTIONS
YOUR ADDRESS - NUMBER AND STREET, APARTMENT OR SPACE NUMBER, CITY, ZIP CODE			YOUR PHONE NO.
KIND OF WORK DONE (OCCUPATION)	DATE OF HIRE	CALIFORNIA DRIVER'S LICENSE NO.	DATE OF BIRTH
WORK DONE AT - NUMBER AND STREET, CITY, COUNTY, ZIP CODE			WAS YOUR JOB UNION? <input type="checkbox"/> YES <input type="checkbox"/> NO

**AGAINST**

**2**

NAME OF BUSINESS		EMPLOYER'S NAME	
ADDRESS OF EMPLOYER - NUMBER AND STREET, CITY, ZIP CODE			
TELEPHONE NUMBER	NAME OF PERSON IN CHARGE	TYPE OF BUSINESS	ESTIMATED NO. OF EMPLOYEES:

**WAGES AND WORK CONDITIONS**

**3**

RATE OF PAY -- PER HOUR, DAY, WEEK, MONTH (SPECIFY) \$		TOTAL HOURS WORKED	PAID OVERTIME?
		PER DAY:	PER WEEK:
WAS A RECORD OF HOURS WORKED KEPT? <input type="checkbox"/> YES <input type="checkbox"/> NO	CHARGED FOR SHORTAGES? <input type="checkbox"/> YES <input type="checkbox"/> NO	UNIFORM/TOOLS REQUIRED? <input type="checkbox"/> YES <input type="checkbox"/> NO	FURNISHED BY: <input type="checkbox"/> YES <input type="checkbox"/> NO
MEAL PERIOD LENGTH: <input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	REST PERIODS PERMITTED? <input type="checkbox"/> YES <input type="checkbox"/> NO	ARE YOU STILL WORKING FOR THIS EMPLOYER? <input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> QUIT ON WHAT DATE? <input type="checkbox"/> DISCHARGED	IF QUIT, DID YOU GIVE YOUR EMPLOYER 72 HOURS NOTICE BEFORE QUITTING? <input type="checkbox"/> YES <input type="checkbox"/> NO		
HAVE YOU ASKED FOR YOUR WAGES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, ON WHAT DATE?	WERE YOU PAID AT TIME OF DISCHARGE? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> BANKRUPTCY <input type="checkbox"/> BUSINESS SOLD <input type="checkbox"/> INSOLVENCY	

**GROSS WAGES CLAIMED (Do Not Deduct Payroll Taxes)**

**4**

FROM (DATE)	TO (DATE)	NUMBER OF HOURS, DAYS, WEEKS, MONTHS (SPECIFY)
19	19	
AT THE RATE OF -- PER HOUR, DAY, WEEK, MONTH (SPECIFY) \$		TOTAL \$

**LESS ANY AMOUNTS FOR THE FOLLOWING**

**5**

MEALS FURNISHED: <input type="checkbox"/> BREAKFAST <input type="checkbox"/> LUNCH <input type="checkbox"/> DINNER	LODGING FURNISHED: <input type="checkbox"/> INDIVIDUAL ROOM <input type="checkbox"/> SHARED ROOM <input type="checkbox"/> APARTMENT	RENTAL VALUE OF APT. TO PUBLIC \$ CASH ADVANCES \$	<b>6</b> MINUS TOTAL OF CASH OR CREDITS RECEIVED → \$
<b>7</b> BRIEF EXPLANATION OF COMPLAINT (Use Additional Sheet if Necessary)			Amount Due Or Balance Claimed → \$

I HEREBY CERTIFY, That this is a true statement to the best of my knowledge and belief. I hereby assign all wages and all penalties accruing because of their non-payment, and all liens securing them, to the Labor Commissioner of the State of California to collect in accordance with law.

**8** My name may be used in the investigation of this complaint.  Yes  No

(Signed)..... Date.....

Address.....



<b>COMPLAINT ABOUT STATE 18(B) PROGRAM ADMINISTRATION</b>
---

1. This form is provided to assist you in the filing of your complaint about the administration of the State's Occupational Safety and Health Program. Your complaint, however, must be based on facts directly related to the following:

1. Action(s) which took place at a specific time and place.
2. Action(s) which you believe indicate inadequate administration of the State's Occupational Safety and Health Program.

2. Date of Incident

3. State

4. County

5. City

6. Street Address Where Incident Occurred

7. Name of Employer or Name of Place Where Incident Occurred, If Applicable

8. Name(s) and Occupation(s) of Persons Involved in Incident, If Applicable

9. Describe the Incident which caused your complaint.

10. Name(s) of Person(s) Submitting Complaint (will be withheld upon request)

11. Telephone where you can be reached for information  
Area Code:      No.                                      Ext.

12. Date This Form Completed

13. Address No., Street, City and State, Zip Code

14.  Do not Reveal My Name       You May Reveal My Name During Investigation

15. The State Agency  Has       Has not been Furnished this Data

16. Signature of Person Filing Report

For complaints against the states of Arizona, California, Nevada, Hawaii, Guam, Samoa, or Trust Territories mail this form to: 450 Golden Gate Avenue, U.S. Department of Labor, OSHA, Box 30617, San Francisco, California 94102.

**U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH**

**REQUEST FOR HEALTH HAZARD EVALUATION**

This form is provided to assist in registering a request for a health hazard evaluation with the U.S. Department of Health, Education, and Welfare as provided in Section 20(a)(6) of the Occupational Safety and Health Act of 1970 and 42 CFR Part 85. (See Statement of Authority on Reverse Side).

Name of Establishment Where Alleged Hazard(s) Exist \_\_\_\_\_

Company { Street \_\_\_\_\_ Telephone \_\_\_\_\_  
Address { City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

1. Principal Company Activity \_\_\_\_\_  
(manufacturing, construction, transportation, services, etc.)

2. Specify the particular building or worksite where the alleged hazard is located, including address \_\_\_\_\_

3. Specify the name and phone number of employer's agent(s) in charge. \_\_\_\_\_

4. Describe briefly the hazard(s) which exists by completing the following information:

Identification of Hazard or Toxic Substance(s) \_\_\_\_\_

Trade Name (If Applicable) \_\_\_\_\_ Chemical Name \_\_\_\_\_

Manufacturer \_\_\_\_\_ Does the material have a warning label? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, attach copy of label or a copy of the information contained on the label.

Physical Form: Dust  Gas  Liquid  Mist  Other

Type of Exposure? Breathing  Swallowing  Skin Contact

Number of People Exposed \_\_\_\_\_ Length of Exposure (Hours/Day) \_\_\_\_\_

Occupations of Exposed Employees \_\_\_\_\_

5. Using the space below describe further the nature of the conditions or circumstances which prompted this request and other relevant aspects which you may consider important, such as the nature of the illness or symptoms of exposure, the concern for the potentially toxic effects of a new chemical substance introduced into the workplace, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. (a) To your knowledge has this hazard been considered previously by any Government agency? \_\_\_\_\_

(b) If so, give the name and address of each.

\_\_\_\_\_

\_\_\_\_\_

(c) and, the approximate date it was so considered. \_\_\_\_\_

7. (a) Is this request, or a request alleging a similar hazard, being filed with any other Government agency? \_\_\_\_\_ (b) If so, give the name and address of each.

\_\_\_\_\_

\_\_\_\_\_

The undersigned (check one)

Employer

Authorized Representative of employees\*

i            ii            iii            (circle one)

believes that a substance (or substances) normally found at the following place of employment may have potentially toxic effects in the concentration used or found.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_ Telephone: Home - \_\_\_\_\_

Address { Street \_\_\_\_\_ Business - \_\_\_\_\_  
          { City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

If you are a representative of employees, state the name and address of your organization.

\_\_\_\_\_

\_\_\_\_\_

Please indicate your desire:

I do not want my name revealed to the employer.

My name may be revealed to the employer.

Authority

Section 20(a)(6) of the Occupational Safety and Health Act, 29 U. S. C. 669(a)(6) provides as follows: The Secretary of Health, Education, and Welfare shall... determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects ... such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary of Labor, together with all pertinent criteria.

"Authorized representative of employees" means any person or organization meeting the conditions specified in 42 CFR Part 85.3 (b) (4) (i), (ii) or (iii):

(i) - that he is an authorized representative of, or an officer of the organization representing, the employees for purposes of collective bargaining; or

(ii) - that he is an employee of the employer and is authorized by two or more employees employed in the workplace where the substance is normally found, to represent them for purposes of the Act. Each such authorization shall be in writing and included in the request; or

(iii) - that he is one of three or less employees employed in the workplace where the substance is normally found.

Send the completed form to:

National Institute for Occupational Safety and Health  
Hazard Evaluation Services Branch  
U.S. Department of Health, Education, and Welfare  
Cincinnati, Ohio 45202

**IMPORTANT DEADLINE!** This appeal must be filed with the Division of Industrial Safety or the Appeals Board within 15 working days of the issuance of a citation.

STATE OF CALIFORNIA  
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

IN THE MATTER OF

Employer \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EMPLOYEE APPEAL**

Docket No. \_\_\_\_\_

(Leave Docket Number Blank: To be filled in by Appeals Board)

(Please attach a copy of the citation and/or Notice of Civil Penalty to this form.)

This is an appeal by \_\_\_\_\_

from Citation No. \_\_\_\_\_, dated \_\_\_\_\_

It is alleged that the period of time fixed in the citation for the abatement of the violation is that:

*(Note: State here specifically what is unreasonable about the time allowed.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please send all future notices and correspondence to:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

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(Phone)

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(Type or print name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Social Security Number)

\_\_\_\_\_  
(Signature)

PLEASE ATTACH A COPY of the Citation and/or Notice of Civil Penalty to this form.

IMPORTANT DEADLINE! This notice of contest must be filed within 15 working days from the receipt of the citation or notice of civil penalty.

STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
1006 Fourth Street, 4th Floor
Sacramento, California 95814

In the Matter of

Employer ..... )
..... )
..... )
Address ..... )
(Street) ..... )
..... )
(City) (State) (Zip) ..... )

NOTICE OF CONTEST (APPEAL)

Docket No. ....
(Leave Docket Number Blank: To be filled in by Appeals Board)

1. This is an appeal from:

- [ ] Citation No. .... dated ..... which was received on .....
[ ] Notice of Civil Penalty No. .... dated ..... which was received on .....
[ ] Notice In Lieu of Citation No. .... dated ..... which was received on .....

2. By this appeal, appellant contests:

- [ ] The existence of the violation alleged in the citation (if the citation alleges more than one violation, specify which is or are contested): .....
[ ] The reasonableness of the abatement period specified in the citation.
[ ] The reasonableness of the changes required by the Division of Industrial Safety to abate the condition which is the basis of the violation.
[ ] The amount of the civil penalty specified in the notice of civil penalty.

3. The specific grounds for this appeal are:

(Note: The grounds for appeal, specifying the error in the citation or notice, must be stated in the notice of contest.)

.....
.....
.....
.....



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AMENDMENT SERVICE

(For 1 year starting with date of order)

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003000801	Title 8 (complete)	Industrial Relations (All Divisions - Safety Orders)		59.80	\$	080000		102.00	\$
003000813	Ch. 3.2, 3.3, 3.5, 4	Div. of Ind. Safety, CAL/OSHA (All Safety Orders)		39.90		080104		92.00	
003000825	Ch. 2, 3, 4.5, 5, 6, 7, 8	Industrial Relations, excluding Safety Orders		7.15		080144		18.00	

INDIVIDUAL SAFETY ORDERS

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003000849	Sub. Ch. 3	Compressed Air		4.00		080307		5.00	
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003008152	Sub. Ch. 15	Petroleum Refining/Transp./Handling		4.00		081500		5.00	
003000837	Sub. Ch. 1,2	Pressure Vessel		4.00		080107		5.00	
003008188	Sub. Ch. 18	Ship Building, Ship Repairing & Ship Breaking		4.00		081800		5.00	
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APPENDIX L

ACCIDENT-PREVENTION PROGRAM

- 1509-(c) Monthly or more frequent meetings of all foremen should be held under direction of management for a discussion of safety problems and accidents that have occurred.
- (d) Supervisory personnel shall conduct short "toolbox" or "tailgate" safety meetings-or equivalent-with their crews at least every 10 working days on the job or as needed to emphasize safety.

1510 SAFETY INSTRUCTIONS FOR EMPLOYEES.

- (a) When a worker is first employed he shall be given instructions regarding the hazards and safety precautions applicable to the type of work in question and directed to read the Code of Safe Practices.
- (b) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.
- (c) Where employees may be subject to known job site hazards such as, flammable liquids and gases, poisons, caustics, harmful plants and animals, toxic materials, confined spaces, etc., they shall be instructed in the recognition of the hazard, in the procedures for protecting themselves from injury, and in the first aid procedure in the event of injury.

1512 EMERGENCY MEDICAL SERVICES.

- (a) Definitions. (1) Appropriately Trained Person. A physician or registered nurse currently licensed in California or a person possessing a current certificate (training within the past three years or a specifically stated on the certificate) from the American National Red Cross or equivalent training that can be likewise verified. Acceptable Red Cross certificates are those from the Standard First-Aid Multimedia, Standard First Aid and Personal Safety, or Advanced First-Aid and Emergency Care courses.

Note: Equivalent training includes courses that provide certification and that have received prior approval from the Department of Health, Emergency Medical Services Section; and courses that are given by nationally recognized voluntary health organizations, official agencies such as Mining Enforcement and Safety Administration, or accredited teaching institutions.

- (c) Appropriately Trained Person. The employer shall ensure the provision of a suitable number of persons who are appropriately trained and immediately available to render first aid.
- (e) Informing Employees of Emergency Procedures. The employer shall inform all employees of the procedure to follow in case of injury or illness.

1522 BODY PROTECTION.

- (a) Body protection may be required for employees whose work exposes parts of their body, not otherwise protected as required by other orders in this article, to hazardous or flying substances or objects.

Note: Employees should be cautioned to wash promptly and thoroughly after exposure to injurious substances.

- 1531 (c) EDUCATION & TRAINING. Employees shall be instructed and trained in the need, use, sanitary care, and limitations of such respiratory equipment as any employee may have the occasion to use. Respirators shall be inspected before each use and shall not be worn when conditions prevent a good gas-tight face seal. Every respirator wearer shall be provided the opportunity to wear respiratory equipment in normal air for an adequate familiarity-period, and to wear it in a test atmosphere (such as generated by smoke tubes or isoamyl acetate).

1531 (f) RESPIRATORY PROTECTION PROGRAM

1. Written operating procedures governing the selection and use of respirators shall be established and shall include procedures for selection, instruction and training, cleaning and sanitizing, inspection and maintenance.

2. Selection and Issuance of Respirators. Proper selection of respirators shall be made according to the guidance of American Standard Practices for Respiratory Protection: Z88.2-1969. The correct respirator shall be specified for each job. The individual issuing them shall be adequately instructed to insure that the correct respirator is used. Respirators individually assigned should be marked to indicate to whom it was assigned. This mark shall not affect the respirator performance in any way. The date of issuance should be recorded.

3. Program Surveillance and Evaluation. Appropriate surveillance of environmental conditions in the work area, such as increases in exposure concentration or the introduction of other toxic substances, or other conditions which increase the degree of employee exposure or stress shall be maintained. The program effectiveness shall be evaluated by regular inspections.

1546 (d) Face Inspection and Control. Where necessary, a competent trained employee shall be employed at the face, to give warning when loose rock or other materials are about to fall.

1550 (a) Competency of Blasters. Blasting at mines, tunnels, construction, demolition, and similar operations or projects shall require licensed blasters.

1599 (e) FLAGMAN.

(e) Flagmen shall be trained in the proper fundamentals of flagging moving traffic before being assigned as flagmen. Signaling directions used by flagmen shall conform to the 1973 "Manual of Warning Signs, Lights, and Devices for Use in Performance of Work Upon Highways," published by the State Department of Transportation.

1635 (7260) Prior to removal of temporary floor plank, employees shall be instructed by assigned supervision the steps to be taken to perform the work safely and in proper sequence.

1685 POWDER-ACTUATED TOOLS

(a) Qualified Operator Training and Testing.

(1) Only qualified personnel at least 21 years of age, shall operate powder-actuated tools. The operator shall be trained to disassemble, clean, and reassemble the tool correctly as recommended by the manufacturer and to recognize any worn or defective parts on defective operation. He must also be able to use the tool safely under varying conditions, know the limitations of its use, and demonstrate his competence by actually firing the tool in the presence of the person who issues the operator's card. He must be familiar with the provisions of this Code and instructions provided by the manufacturer for operation and care, and be able to read the English language.

(2) Examination. After training, the operator must, to substantiate his competency, take and pass a written examination, the requirements of which shall be established or approved by the Division of Industrial Safety.

Note: Leasing, Renting, Selling. Any agency selling, leasing, or renting powder-actuated tools should, in effecting compliance with paragraphs (a)(1) and (2) above, use trained personnel and proper facilities, including tool storage boxes, in giving safety instructions to all renters or buyers.

- (b) Operator's Card. Possession of Card. Each qualified operator shall have an operator's card certifying qualification in the tool being used which shall be in the possession of the operator at all times while using that tool and shall be displayed upon request.
- (e) Method of Issuance of Card. The manufacturer of a tool shall establish an appropriate program to instruct personnel of its various dealers and distributors in the proper technical training and testing of operators and issuance of operator's cards. Operator's cards with respect to tools of a particular manufacturer shall be issued to persons entitled thereto, as hereinabove provided, by either:
  - (1) A dealer or distributor of such tools who has been authorized by the tool manufacturer to issue such cards, or
  - (2) By employees of such tool manufacturer who are so authorized by such tool manufacturer, or
  - (3) Any other party who has been certified by the Division of Industrial Safety as qualified and authorized to issue cards with respect to tools of such manufacturer.

1710 (b) ERECTION GUIDE FOR TRUSSES AND BEAMS OVER 25 FEET LONG.

During construction the magnitude and placement of applied loads shall be held within safe limits by the respective employer(s). An erection plan and procedure provided by a civil engineer registered in California, shall be followed, and shall be kept available on the job site.

1714 (a) PRECAST PANEL ERECTION

An erection plan and procedure shall be prepared by a civil or structural engineer registered in California and kept available at the job site. Periodic job site visits shall be made by the responsible engineer (or his authorized representative) during the course of erection to view site conditions and procedures. Any proposed field modifications shall first be approved by the responsible engineer and then added to the plan and procedure available at the job site.

1734 SUPERVISION

(a) Demolition work shall at all times be under the immediate supervision of a man with proper experience, training, and authority to secure maximum safety for demolition workers.

(b) Prior to starting demolition operations, and engineering survey of the structure shall be made by a properly qualified person to determine the type and condition of the framing, floors, and walls to prevent collapse of any portion of the structure. When indicated as advisable, any adjacent structure(s) should also be similarly checked.

1740 (i) STORAGE AND USE OF CYLINDERS.

Use of Fuel Gas. The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

Before a regulator to a cylinder valve is connected, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

1768 PROVISIONS FOR PREVENTING ACCIDENTS IN THE AREA OF HIGH-VOLTAGE LINES.

Provisions for preventing accidents due to overhead high-voltage lines shall be in conformance with the High-Voltage Electrical Safety orders, Article 86, which reads:

PROVISIONS FOR PREVENTING ACCIDENTS DUE TO PROXIMITY TO OVERHEAD LINES

2946 (a) GENERAL. No person, firm, or corporation, or agent of same, shall require or permit any employee to perform any function in proximity to energized high voltage lines; to enter upon any land, building, or other premises and thereto engage in any excavation, demolition, construction, repair or other operation; or to erect, install, operate, or store in or upon such premises any tools, machinery, equipment, materials, or structures (including scaffolding, house moving, well drilling, pile driving, or hoisting equipment) unless and until danger from accidental contact with said high-voltage lines has been effectively guarded against.

(b) Clearances or Safeguards Required. Except where electrical distribution and transmission lines have been de-energized and visibly grounded or effective barriers have been erected to prevent physical and arcing contacts with the high-voltage lines, the following provisions shall be met:

(1) OVER LINES. The operation, erection, or handling of tools, machinery, apparatus, supplies, or materials, or any part thereof, over energized high-voltage lines shall be prohibited.

(2) EQUIPMENT AND MATERIALS IN USE. The operation, erection, or handling of tools, machinery, equipment, apparatus, materials, or supplies, or any part thereof within the minimum clearances from energized lines set forth in Table X shall be prohibited. See page 170.90.2

FIRE PROTECTION AND PREVENTION

1920 General Requirements. (a) The employer shall be responsible for the development of a fire protection program to be followed throughout all phases of the construction work; and he shall provide for the fire fighting equipment as specified in this Article. As fire hazards occur, there shall be no delay in providing the necessary fire protection and/or prevention equipment.

Note: In cases where orders of local jurisdiction are more restrictive, those orders shall prevail.

(b) A safe and unobstructed access to all available fire fighting equipment shall be maintained at all times.

(c) All fire fighting equipment, provided by the employer, shall be conspicuously marked.

(d) All fire fighting equipment shall be periodically inspected and maintained in operating condition. Defective equipment shall be immediately replaced.

NONIONIZING RADIATION.

1801 (a) Only qualified and trained employees shall be assigned to install, adjust, and operate laser equipment.

(b) Proof of qualification of the laser equipment operator shall be available and in possession of operator at all times.

(c) Employees, when working in areas in which a potential exposure to direct or reflected laser light greater than 0.005 watt (5 milliwatts) exists, shall be provided with antilaser eye protection devices as specified in Subpart E of this part.

(d) Areas in which lasers are used shall be posted with standard laser warning placards.

- (e) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.
- (f) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.
- (g) The laser beam shall not be directed at employees.
- (h) When it is raining or snowing, or when there is dust or fog in the air, the operation of laser systems shall be prohibited where practicable; in any event, employees shall be kept out of range of the area of source and target during such weather conditions.
- (i) Laser equipment shall bear a label to indicate maximum output.
- (j) Employees shall not be exposed to light intensities above:
  - (1) Direct staring: 1 micro-watt per square centimeter;
  - (2) Incidental observing: 1 milliwatt per square centimeter;
  - (3) Diffused reflected light: 2½ watts per square centimeter.
- (k) Laser unit in operation should be set up above the heads of the employees, when possible.
  - (1) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

#### 1587.4 (d) HOISTING

When two or more cranes are used to lift one load, a qualified person shall be responsible for the operation. He shall analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made. An appointed qualified signalman shall be in direct audible communication with both crane operators at all times. Where two or more cranes are used to lift one load, the rating chart shall be reduced on each crane by not less than 25 percent, unless equalizer or other acceptable provisions assure safe distribution of both vertical and horizontal loads to the cranes involved in which case a lesser reduction may be applied.

#### 1588 (a) OPERATORS - QUALIFICATIONS.

Only employees authorized by the employer and trained or known to be qualified in the safe operation of cranes or hoisting apparatus shall be permitted to operate such equipment.

#### 1910. OPERATOR.

- (a) Hoisting machines, except those that have automatic stop controls, shall be operated only by designated assigned operators. Such operators shall be fully instructed on the details and workings of the hoist machines.
- (b) Hoist operators shall have a covering over them to protect them from falling objects when such hazards exist, such covering shall not excessively restrict the operator's vision of the hoisting operation. Protection shall be the equivalent of 2-inch planking or other solid material of equivalent strength.

#### 3282 (d)(f) GENERAL REQUIREMENTS FOR ALL WINDOW CLEANING OPERATIONS.

- (d) Employers shall instruct their window cleaning employees in the proper use of all equipment provided to them, and shall supervise the use of the equipment and safety devices to insure that safe working practices are observed.
- (e) All employees required to clean windows shall use safety devices as required herein.
- (f) Only employees who have been properly trained to handle such equipment shall be assigned to work on scaffolds or boatswain's chairs.

3311 (a) FLAREBACKS

To provide greater safety in lighting and relighting fixed fired equipment, the employer shall designate one or more employees who shall be trained in the safe lighting and relighting of the equipment. It shall be the responsibility of the employer to limit lighting and relighting of the equipment to employees so designated. It shall be the responsibility of the employees to follow the instructions given them. Copies of the instructions shall be prominently displayed at a location near the equipment.

3314 (e) CLEANING, REPAIRING AND ADJUSTING PRIME MOVERS, MACHINERY AND EQUIPMENT.

On repetitive process machines, such as numerical control machines, which require power or current continuance to maintain indexing and where repair, adjustment, testing, or setting up operations cannot be accomplished with the prime mover or energy source disconnected, such operations may be performed under the following conditions:

- (1) The operating station where the machine may be activated must at all times be under the control of a qualified operator or craftsman.
- (2) All participants must be in clear view of the operator or in positive communication with each other.
- (3) All participants must be beyond the reach of machine elements which may move rapidly and present a hazard to them.
- (4) Where machine configuration or size requires that the operator leave his control station to install tools, and where machine elements which may move rapidly, if activated, exist, such elements must be separately locked out by positive means.
- (5) During repair procedures where mechanical components are being adjusted or replaced the machine shall be de-energized or disconnected from its power source.

3327 SAFE PRACTICE FOR MOUNTING AND INFLATING TIRES WITH SPLIT RIM AND/OR RETAINER RINGS.

(a) Every employer shall post and enforce a safe practice procedure for changing or inflating split rim or retainer (lock rings) type tires, including the appropriate rules listed below. Only specially trained personnel shall be assigned to this work:

- (1) Completely deflate the tire by removing the valve core before doing any work.
- (2) Inspect the rim parts and tire for defects, damage, and foreign particles. Clean the wheel parts and tire as necessary.
- (3) Rim parts of different manufacture or rim parts designed to fit a different size or type of rim shall not be used. Side and lock rings which are bent out of shape, heavily rusted, or broken shall be replaced.
- (4) Lubricate the beads and rim surfaces with a lubricant that will not deteriorate the rubber or cause the rim to rust.
- (5) Securely install the tire and properly reassemble the rim as required.
- (6) Never inflate a tire that has been run extremely low or flat.
- (7) A tire restraining device, such as a cage, rack, or other effective method shall be used while inflating tires mounted on split rims or having retaining rings.  
EXCEPTION: While the wheel assembly is mounted on a vehicle, tires may be inflated without a restraining device, provided that remote control inflation equipment is used and all persons stay out of the danger area.
- (8) A clip-on chuck, sufficient length of hose, and an in-line, hand-operated valve with gauge shall be used to inflate tires so that the operator can stand out of the danger area.

A regulator that is preset to a desired pressure will be considered equivalent to the in-line hand valve with gauge.  
(9) Inspect the tire rim and ring to make sure it is properly seated and locked. If more work on the rim or ring is necessary, before doing such work, always deflate the tire by removing the valve core. Don't attempt to correct seating of side and lock rings by hammering while tire is inflated.  
(10) Inflate tire to manufacturer's recommended pressure prior to removal of restraining devices.

3380 PERSONAL PROTECTIVE DEVICES.

(c) All limitations or precautions prescribed for protective equipment by its manufacturer shall be transmitted to the user. He shall be properly instructed in its use.

3384 HAND PROTECTION

(b) The employer shall exercise great care in the direction and supervision of employees with relation to the wearing of gloves when working around machinery. The wearing of gauntlet-type or loose-cuff type gloves around moving machinery should not be permitted.

3400 MEDICAL SERVICES AND FIRST AID.

(a) Employer shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury.

(b) In the absence of an infirmary, clinic, or hospital, in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Training shall be equal to that of the American Red Cross or the Mining Enforcement and Safety Administration.

3418 ELECTRICAL HAZARDS GENERAL.

(b) Employees engaged in line clearing operations shall be instructed that:

(1) A direct contact is made when any part of the body touches or contacts an energized conductor, or other energized electrical fixture or apparatus.

(2) An indirect contact is made when any part of the body touches any object in contact with an energized electrical conductor, or other energized fixture or apparatus.

3438. COMMUNICATIONS.

Employers employing persons who do not speak English language shall provide adequate means of communication so that instructions can be given effectively.

3439 FIRST-aid KIT

(a) There shall be adequate first-aid materials immediately available at the farm headquarters and/or on worker transportation buses. Such materials shall be kept in a sanitary and usable condition. A frequent inspection shall be made of all first-aid materials, which shall be replenished as necessary. In the case of employers whose workers are widely scattered in small crews that are contacted by a traveling foreman, adequate

protection may be accomplished by having a first-aid kit in the foreman's car or vehicle.

(b) At isolated locations, provisions must be made in advance for prompt medical attention in case of serious injuries. This may be accomplished by on-the-site facilities or proper equipment for prompt transportation of the injured person to a physician or telephone communication system for contacting a doctor or combinations of these that will avoid unnecessary delay in treatment. There shall be at least 1 man with training for the rendering of emergency first aid at any isolated location where 20 or more men are employed.

3450. FORMULATION AND APPLICATION OF INJURIOUS MATERIALS.

(a) Medical Supervision. Where employees are regularly occupied in the spreading, spraying, dusting, or other application or formulation of organic phosphate injurious materials, the employer shall engage the service of a licensed physician to provide medical supervision. Medical supervision shall include advance planning for prompt care of organic phosphate poisoning and cholinesterase determination or other recognized medical tests to be made on each employee before any exposure to these materials and as often thereafter as recommended by the physician.

(b) Record of Physician's Recommendations. The employer shall keep a record of all recommendations made by the medical supervisor and such record shall be made available to the Division of Industrial Safety on request.

(c) Restricted Activities. When, in the opinion of the employer's medical authority, continued exposure to organic phosphate injurious materials is likely to injure an employee's health, such employee shall be removed from the exposure.

3482. BULK STORAGE OF LOOSE MATERIAL.

(a) No employee shall be permitted to work on or over loose material, or attend an employee working on or over loose material, until they have been instructed in the hazards involved and the precautions that must be taken to prevent employees being caught in caved-in material.

3563. POWER LAWN MOWERS

(9) (c) The instructions shall state that the mower shall not be operated without either the entire grass catcher or the guard in place.

3638. PERFORMANCE RATINGS.

(c) Employees shall be instructed in the proper use of the platform.

3669. OPERATING RULES

(a) Every employer using industrial trucks or industrial tow tractors, shall post and enforce a set of operating rules including the appropriate rules listed below.

(b) Every employee who operates an agricultural or industrial tractor shall be informed of the following operating instructions

and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter. Copies of these instructions, printed in a language understood by the majority of the employees, shall be conspicuously posted at a place frequented by the drivers.

3742. BLUE STOP SIGNS

(a) The employer shall provide blue stop signs for use by day, and in addition blue lights for use if night work is necessary, and cause them to be displayed before employees are permitted to work in, upon, or under any standing railroad car or cars under conditions where unanticipated movement or disturbance of such car or cars might endanger employees or equipment. The cars also shall be adequately secured by positive mechanical brakes, blocking or chocking of wheels or other means which will prevent their movement. The blue signals shall be placed on the track at a height of 3 to 5 feet and not less than 10 feet from either or both ends of the cars as necessary to afford protection, and in such position as to provide a clear and unobstructed view of the signals approaching railroad equipment. The blue stop signals shall be placed and removed by one of the employees working in and about the car. This employee shall be selected, instructed and directed by the employer in the safe procedures involved in placing and removing the blue stop signals.

3807. OPERATING RULES.

(a) Every employer operating a gantry truck shall promulgate post, and enforce a set of operating rules or use the rules listed below.

(b) (1) Only drivers authorized by the employer and trained in the safe operation of gantry trucks shall be permitted to operate such vehicles. Trainees may be authorized to operate gantry trucks provided they are under competent supervision.

3906. SIGNAL SYSTEMS.

(c) Where the need for coded signals is indicated, any code of signals adopted for the operation of any amusement ride shall be printed and be kept posted at both the operator's and signalman's stations. Signals shall be thoroughly understood by all persons who use them.

4203. TRAINING.

(a) It shall be the responsibility of the employer to insure the original and continuing competence of personnel caring for, inspecting, and maintaining power presses.

(b) The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this section. The employer shall insure by adequate supervision that correct operating procedures are being followed.

4243. INSPECTION AND MAINTENANCE

(6) Training personnel for the proper inspection and maintenance of forgoing machinery and equipment.

4494. OPERATING RULES.  
(a) Employees shall be properly instructed on the hazards of their work and on safe practices by either bulletins, printed rules, verbal instructions, or periodic safety meetings.
4799. TRAINING OF OPERATORS AND INSTRUCTIONS.  
(a) All men before being placed in charge of the operation of oxygen and fuel gas supply systems, including stationary acetylene generators and oxygen and fuel gas distribution piping systems, shall be thoroughly instructed and judged competent by designated plant authority acceptable to the division.
4848. FIRE PREVENTION IN WELDING AND CUTTING OPERATIONS.  
(21) Fire watchers shall be trained in the use of fire extinguishing equipment. They shall be familiar with facilities for sounding an alarm in the event of a fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch shall be maintained for at least ½ hour after completion of welding or cutting operations to detect and extinguish smoldering fires.
4890. FIRE EXTINGUISHER.  
A fire extinguisher not less than 5-B,C rating shall be kept in serviceable condition inside the cab or otherwise convenient to the operator's station, and personnel shall be familiarized with its use. Carbon tetrachloride shall not be used.
4939. FIRE EXTINGUISHER.  
A fire extinguisher of not less than 5-B, C rating shall be kept in serviceable condition and readily accessible to the operator's station, and personnel shall be familiarized with its use. Carbon tetrachloride shall not be used.
4997. FIRE EXTINGUISHER.  
A fire extinguisher rated at least 5-B,C shall be kept in or just outside the cage, cab, or machine house. Operating and maintenance personnel shall be familiar with the use and care of the fire extinguishers provided and shall be responsible to insure the extinguishers are maintained in serviceable condition. Carbon tetrachloride shall not be used.
5001. SIGNALS.  
(f) There shall be conspicuously posted in the vicinity of the hoisting operations, a legible chart depicting and explaining the system of signals used.
5099. PERSONAL PROTECTIVE EQUIPMENT.  
(b) Education in Use of Equipment Required. The employee shall be informed of the locations where the wearing of ear protectors is required and shall be instructed in the use of such ear protectors.
5066. OPERATORS--QUALIFICATIONS.  
(a) Only employees authorized by the employer and trained, or known to be qualified, in the safe operation of cranes or hoisting apparatus shall be permitted to operate such equipment.

(b) Trainees may be authorized to operate cranes or hoisting apparatus provided they are under the supervision of a competent operator.

(c) Inspectors, maintenance, or test personnel may operate such equipment when it is necessary in the performance of their duties.

(d) Operators of cranes or derricks which are operated from cab, cage, or remote operating station shall be required by the employer to furnish satisfactory evidence of qualifications and experience.

5144. RESPIRATORY PROTECTIVE EQUIPMENT.

(a) When and Where To Be Worn. When it is clearly impracticable to remove harmful dusts, fumes, mists, vapors, or gases at their source, as required in Sections 5142 and 5143 or where emergency protection against occasional and/or relatively brief exposure is needed, the employer shall provide, and the employee exposed to such hazard shall use, approved respiratory equipment.

(c) Education and Training. Employees shall be instructed and trained in the need, use, sanitary care, and limitations of such respiratory equipment as any employee may have the occasion to use. Respirators shall be inspected before each use and shall not be worn when conditions prevent a good gas-tight face seal. Every respirator wearer shall be instructed in how to properly fit and test respiratory equipment and how to check the facepiece fit and shall be provided the opportunity to wear respiratory equipment in normal air for an adequate familiarity period, and to wear it in a test atmosphere (such as generated by smoke tubes or isoamyl acetate).

5144 RESPIRATORY PROTECTION PROGRAM

(f)(2) Selection and Issuance of Respirators. Proper selection of respirators shall be made according to the guidance of American National Standard Practices of Respiratory Protection: Z88.2-1969. The correct respirator shall be specified for each job. The individual issuing them shall be adequate to insure that the correct respirator is used. Respirators individually assigned should be marked to indicate to whom it was assigned. This mark shall not affect the respirator performance in any way. The date of issuance should be recorded.

(h) MEDICAL LIMITATIONS

Persons should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work while using the required respiratory equipment. A licensed physician shall determine what health and physical conditions are pertinent. The medical status of persons assigned use of respiratory equipment should be reviewed at least annually. Wearing of contact lenses shall not be permitted in an atmosphere where a respirator is required.

5154 PERSONAL PROTECTION

(j)(1) All employees required to work in such a manner that any part of their person may be wet, splashed or contaminated with liquids other than water, shall be provided with appropriate protective clothing and equipment as prescribed in 8 CAC, Article 10. Such persons shall also be instructed as to hazards and safeguards of their respective jobs as required in Section 5166(b), (c), and (d), and Section 5162(c).

5165 OPEN TANKS, VATS AND OTHER CONTAINERS CONTAINING CORROSIVE LIQUIDS.

(d) When repairs, alterations, or cleaning operations are performed on tanks, vats, or pans which have last contained corrosive liquids, the following procedure shall be observed:  
(1) Employees engaged in the operation shall be advised of hazards they may encounter.

5166 POISONS--GENERAL

(c) Where poisonous substances are used, handled or stored, the Division of Industrial Safety may require an employer to provide approved antidotes or first-aid treatment where lack of such facilities might constitute a hazard.  
(d) Employees who may be exposed to poisonous substances shall be advised of the hazards they may encounter and of methods of protecting themselves against injury by such substances.

5167 TANKS AND VATS CONTAINING POISONOUS LIQUIDS.

(b) When repairs, alterations or cleaning operations, are performed on tanks, vats or other containers which have last contained a poisonous liquid, the following procedure shall be followed:  
(1) Employees engaged in the operation shall be advised of hazards they may encounter.

5182 CONFINED SPACES

(a) When repairs, alterations, cleaning, or other operations are performed in confined spaces in which flammable, poisonous, asphyxiant, suffocant, or anesthetic vapor or gases are likely to exist in hazardous amounts, the procedure shall be as follows:

(1) Employees engaged in the operation shall be advised of hazards they may encounter.

5197 REPAIR OF MAGNESIUM DUST COLLECTING UNITS.

(b) Before repairs involving the use of open flames or other sources of ignition are performed the procedures shall be as follows:

(1) Employees engaged in the operation shall be advised of hazards they may encounter and the employer shall supply constant and competent supervision during all such operations.

5198 MAGNESIUM HEAT TREATING AND MELTING.

(g) Where boron trichloride is used as a fire suppressant in magnesium heat treating ovens the employee shall be instructed in the potential hazards attendant with its use and the employer shall provide the employee with the necessary precautionary instruction and devices to prevent injury due to accidental contact with boron trichloride or its corrosive products formed when in contact with water.

5202 NITROCELLULOSE

(d)(1) General. Quick-acting deluge showers and fire blankets shall be provided and all employees shall be informed of their location and how to use them.

5208 ASBESTOS

(j) 1. The employer shall provide or make available at no cost to the employee a comprehensive preplacement medical examination by a licensed physician for each employee engaged in an occupation where exposure to airborne asbestos, without regard to the use of respiratory protective equipment, has been determined to exceed, or may be reasonably expected to exceed, an 8-hour time-weighted average concentration of 1 fiber, longer than 5 micrometers, per cubic centimeter or a ceiling concentration of 10 fibers, longer than 5 micrometers, per cubic centimeter.

The examination shall be provided or made available within 30 calendar days of an employee's initial assignment to such occupation and shall include as a minimum a 14-inch by 17-inch chest X-ray (posterior-anterior), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV1.0).

2. At least annually every employer shall provide or make available at no cost to the employee a medical examination to employees as specified in paragraph (j)(1). The employer shall provide or make available, within 30 days of termination of employment of any employee exposed to airborne asbestos, a medical examination as specified in paragraph (j)(1), if such examination has not been taken within the previous year of termination.

5208 3. Records shall be kept of medical examinations required by this subsection for each employee; such records shall be maintained by the employer for at least 30 years. Access to records of medical examinations required by this subsection shall be made available for inspection and copying to the Division of Industrial Safety, the Department of Health, and to authorized physicians or medical consultants of either of them. Upon written request of an employee or former employee, the employer shall provide a copy of the medical examination record to the employee's or former employee's physician. Any physician who conducts a medical examination required by this subsection shall furnish the employer of the examined employee or former employee all the information required by this subsection and any other medical information related to occupational exposure to asbestos.

5209 (J) MEDICAL EXAMINATION

(1) The employer shall provide or make available at his cost a preplacement examination of each employee working regularly with asbestos who has been or may be reasonably expected to be exposed to concentrations of asbestos fibers in excess of 1 fiber, longer than 5 micrometers, per cubic centimeter. Such examination shall be given within 90 days of the effective date of this regulation for existing employees who have not had an examination within 1 year and within 90 days following his employment for new employees. Such examination shall include as a minimum a 14-inch by 17-inch chest X-ray (posterior-anterior) a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second.(FEV1,0).

2. At least annually every employer shall provide or make available at his cost a medical examination to employees as specified in Section 5208 (j)(1). The employer shall provide or make available, within 30 days of termination of employment of any employee exposed to airborne asbestos, a medical examination as specified in Section 5208 (j)(1), if such examination has not been taken within the previous year of termination.

3. Records shall be kept of medical examinations required in Section 5208(j)(2) for each employee; such records shall be maintained by the employer for at least 30 years. Access to records of medical examinations required in Section 5208(j)(2) shall be made available for inspection and copying to the Division of Industrial Safety, the Department of Health, to authorized physicians or medical consultants of either of them, and upon request of an employee or former employee to his physician. Any physician who conducts a medical examination required by this section shall furnish the employer of the examined employee all the information specifically required in Section 5208(j) and any other medical information related to occupational exposure to asbestos.

5209 (d) GENERAL REGULATED AREA REQUIREMENTS.

(2) Emergencies. Specific emergency procedures shall be prescribed and posted. In an emergency, immediate measures including but not limited to, the requirements of subparagraphs (A), (B) (C), (D) and (E) of this paragraph shall be implemented.  
(C) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and of any medical treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

5210 VINYL CHLORIDE

Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

1. The program shall include:

(a) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(i) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.

5214 CHANGING AND CHARGING STORAGE BATTERIES.

(a) Battery charging installations shall be located in areas designated for that purpose. Employees assigned to work with storage batteries shall be instructed in emergency procedures such as dealing with accidental acid spills.

5215 FUMIGATION: GENERAL

(b) All persons working with fumigants or near fumigation operations shall be instructed in the hazards of the substances employed.

5322 TRAINING

Workmen who handle explosives or explosive charges shall be instructed in the hazards of the materials and processes in which they are to be engaged and with the safety rules governing such materials and processes.

5323 EMERGENCY PROCEDURE

Emergency procedures shall be formulated for each plant which will include personal instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.