



Safety Bulletin

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Fall Regulatory Update

California Update

Assembly Bill 1805

California AB 1805 recently made changes to the California Labor Code and the reporting requirements for employers. AB 1805 revises the definition of a "serious injury or illness" occurring in the workplace or in connection with employment to remove the 24-hour minimum time requirement for inpatient hospitalization, for other than medical observation or diagnostic testing, and to include an employee suffering "an amputation," or "the loss of an eye."

Prior to AB 1805, employers were only required to notify Cal/OSHA for injuries requiring inpatient hospitalization for a period in excess of 24 hours for other than medical observation. The 24 hour requirement has now been removed. As required under [CCR T8 §342](#), California employers are required to *immediately report any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness.*

An amputation, for reporting purposes, is defined as the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage that has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth."

In addition, AB 1805 amends the standard for what constitutes a serious violation, and establishes that a serious violation exists when Cal/OSHA determines that there is a "realistic possibility," instead of substantial probability, that death or serious harm could result from the "actual hazard created by" a condition alleged in a complaint. (Labor Code Section 6309 (a)).

Wildfire Smoke

The California Occupational Safety & Health Standards Board has adopted emergency regulations to protect outdoor workers from the effects of wildfire smoke. [CCR Title 8 § 5141.1](#) applies to most outdoor workplaces where the current Air Quality Index (AQI) for airborne particulate matter 2.5 micrometers or smaller (PM_{2.5}) is 151 or greater, and where employers should reasonably anticipate that employees could be exposed to wildfire smoke.

Employers must take the following steps to protect workers:

- Identify harmful exposure to airborne particulate matter from wildfire smoke before each shift and periodically thereafter by checking the Air Quality Index (AQI) for particulate matter (PM) 2.5 in regions where workers are located. This can be done via a website.
- Reduce harmful exposure to wildfire smoke if feasible, for example, by relocating work to an enclosed building with filtered air or to an outdoor location where the AQI for PM 2.5 is 150 or lower.
- When the AQI for PM_{2.5} is greater than 150, but does not exceed 500, the employer shall provide respi-

rators to all employees for voluntary use in accordance with § 5144.1 and encourage employees to use respirators. Respirators shall be NIOSH-approved devices that effectively protect the wearers from inhalation of PM2.5, such as N95 filtering facepiece respirators. An N95 mask is a disposable filtering facepiece respirator with two straps. The "N" designation means the mask is not resistant to the effects of oil mists.

During the gangway safety talk, employers shall use § 5144.1 Appendix B, instead of § 5144 Appendix D, for effective training and instruction regarding voluntary use of respirators when provided for wildfire smoke protection. For voluntary use of filtering facepieces, such as N95 respirators, some of the requirements of section 5144 do not apply, such as fit testing and medical evaluations.

The regulation can be reviewed at: <https://www.dir.ca.gov/dosh/Worker-Health-and-Safety-in-Wildfire-Regions.html>

A Cal/OSHA guide to using disposable respirators can be reviewed [here](#).

California Industrial Storm Water General Permit

State Water Resources Control Board staff recently conducted training sessions on the Industrial Storm Water General Permit changes going into effect July 1, 2020. The training program can be reviewed on their [website](#).

Washington State Update

Recordkeeping & Reporting

Washington State Department of Labor & Industries has adopted rule changes to Chapter 296-27 WAC Recordkeeping & Reporting. The updates are effective January 1, 2020, and will:

- Require employers to establish reasonable procedures for employees to report occupational injuries and illness;
- Require employers to inform employees of their right to report work-related injuries free from retaliation;
- Incorporate the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses.

The updated regulation can be reviewed [here](#).

Wildfire Smoke

A new webpage from the Washington L&I is intended to help employers protect workers from the adverse effects of wildfire smoke. The [website](#) on wildfire smoke provides recommendations to employers and employees.

Washington State Hazard Alert — Fall Protection Lifelines Cut by Exposed Edges

Washington L&I recently published a [hazard alert](#) to address a risk to workers who use lifelines and provides guidance on how to keep workers safe from cut or abraded lifelines. While the hazard alert is designed for the construction industry, all employers are required to address this risk per WAC 296-155-24613(1)(e), "You must protect all safety lines and lanyards against being cut or abraded."

PMA Training Videos and App

A new video, *Introduction to the Mobile Harbor Crane* has been recently added to the PMA Training library. This is the introduction to the crane and covers many valuable insights about operating this piece of machinery.

The PMA Training App can be downloaded from the App store by searching for Pacific Maritime Association.

All PMA Training videos can be viewed at: <https://pma.vids.io/>

Please contact the PMA Accident Prevention Department for the password.

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Future Meetings

MACOSH

Nov 19-20—Washington DC

NMSA Technical Committee

Dec 4-5—Savannah, GA

March 18-19—Long Beach

NMSA Annual Meeting

June 24-26—Miami, FL

PMA Awards Banquet

March 2—Oakland

March 5—Long Beach

March 11—Seattle/Tacoma

March 12—Portland

Fed/OSHA Update

Leading Indicators

Fed/OSHA recently published a guide on [Using Leading Indicators to Improve Safety and Health Outcomes](#). OSHA recommends that a key component of a safety and health program is to monitor performance and progress using leading indicators that track how well various aspects of the program are performing.

OSHA Implements New Weighting System For Workplace Safety and Health Inspections

OSHA has implemented an updated OSHA Weighting System (OWS) that was effective on October 1, 2019, and replaces the 2015 Enforcement Weighting System.

The updated OWS adds enforcement initiatives such as the Site-Specific Targeting to the weighting system. SST is specifically designed to target inspections at establishments with higher rates of occupational injuries and illness. The SST inspection program uses employer submitted 2016 Form 300A data to assist OSHA in scheduling inspections for workplaces with the highest rate of injuries. The SST Directive can be reviewed [here](#).

Prior to 2015, OSHA's inspection weighting system focused almost solely on the number of inspections performed. OWS recognizes that time is not the only factor to assess when considering the potential impact of an inspection. Other factors, such as types of hazards inspected and abated, and effective targeting, also influence the impact on workplace safety and health.

Updated Field Operations Manual

OSHA published an updated [Field Operations Manual](#) on September 13, 2019. The FOM is intended to provide instruction of the internal operations of OSHA. The contents of the FOM are not enforceable against OSHA, but provides employers with the policies and procedures concerning the enforcement of occupational safety and health standards.

Recent OSHA Recordkeeping Letters of Interpretation Published

Fed/OSHA has published two LOI's in 2019 that remind employers of the record-keeping requirements in [29 CFR 1904](#):

An employee on his lunch break, sitting in a vehicle in the parking lot, lacerated his hand requiring stitches while playing with a personal pocket-knife. Is this OSHA recordable on your log? Find out [here](#).

How does a construction company that hires transient workers for a single project/shift, similar to marine terminal operations, have to record work-related injuries when the project/shift has completed and the employee has inactive periods of work in which they can go work for another employer? Find out [here](#).