



April 30, 2007  
Volume 1, Issue 2

# "The Public Interest"

## Health/Safety and Environmental Issues

*the PASMA way to shared knowledge*

**Public Agency Safety Management Association  
Southern Chapter**

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Heat Illness Prevention Standard  
T8CCR 3395 - Dick Monod de  
Froideville, PASMA-South President

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#### Events/Announcements – To be announced via emails

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## A Heartfelt Thanks, and now back to work.

By Dick Monod de Froideville

Earlier this month, the joint PARMA/PASMA meeting was very well attended and I wish to personally thank the membership of both organizations for their enthusiastic support. Special thanks to our facilities Host, the JPIA, the Corporate Sponsors for the fine cuisine, and of course both PARMA and PASMA Board members for their part in bringing this annual meeting to fruition.

Now back to matters at hand. Most of you know by now that the Division has adopted and is enforcing the new "Heat Illness Prevention Standard" Title 8CCR 3395 and anticipating a warmer than normal summer, a friendly reminder might be useful to your organizations. Although the standard is primarily directed at outdoor activities at this time, the Division may also be looking at indoor activities within such structures as warehouses, boiler rooms, vaults, metal maintenance shacks, or hangars where radiant and/or thermal heat might become, or is an issue. The triggering rationale to expand the proverbial Cal/OSHA "look-see" to indoor activities would be a medical diagnosis of any type of heat illness as found either on the Cal/OSHA 300 Log or during the questioning of employees during the inspection.

In fact, I have it on good authority, that the Division would like its Compliance Officers to initiate a short survey questionnaire any time that the investigating Officer *thinks* that heat might be an issue during any routine inspection.

Keeping that directive in mind, if you

thought that this standard is restricted to the activities of such Departments as Parks and Rec., Sanitation, Utilities and Public Works, then think also of such activities as Police Traffic control, Meter readers, IT installation and plumbers, Building inspectors, and even Cal/OSHA Inspectors. Yes, the Division does have its own Heat Illness Prevention Protocols for its inspectors. In short, may I suggest that if you haven't done a "Job Safety Analysis" for all your job classifications in a while, that you do so sooner than later with this standard in mind.

To that end, I refer you to the Cal/OSHA web site for both the standard and other support materials and links as (to activate the links, hit control plus mouse click):

<http://www.dir.ca.gov/dosh/heatillnessinfo.html>

<http://www.osha.gov/Publications/osha3154.pdf>

<http://www.osha.gov/Publications/osha3155.pdf> (Español)

<http://www.cdc.gov/niosh/topics/heatstress/>

<http://www.cdc.gov/niosh/homepage.html>

<http://www.redcross.org/services/hss/tips/heat.html>

<http://www.bt.cdc.gov/disasters/extremeheat/heattips.asp>

I hope this reminder has been of use to your programming and planning activities and I wish you and your employees a safe and carefree summer. Compliance checklist provided at end of newsletter.



## **Cal/OSHA PRESS RELEASE - FOR IMMEDIATE RELEASE**

### **Verify Cal/OSHA Inspector Status – (thanks for the Heads-up, Sam Snyder, LACOE)**

March 14, 2007

CONTACT: Dean Fryer/Renée Bacchini

(415) 703-5050

Cal/OSHA encourages all employers to verify inspector's credentials

Oakland - The California Department of Industrial Relations' Division of Occupational Safety and Health (Cal/OSHA) is currently investigating several incidents involving a man impersonating a Cal/OSHA inspector and suspected of defrauding restaurant owners. Several similar incidents have occurred across Southern California, in the costal region near Santa Barbara and in Roseville. An investigation is ongoing and is being coordinated with local law enforcement where the incidents occurred.

After producing what appears to be a valid identification, the suspect inspects the worksite finding alleged safety violations that, according to him, add up to thousands of dollars in fines. The suspect then informs the business owner that he will not issue citations if they give him some cash immediately.

"It is important for all employers to know that a Cal/OSHA inspector will never request payment onsite, under any circumstance. Moreover, an inspector will never request payment in lieu of citations," said acting Division Chief Len Welsh. "We encourage all employers to ask for a state identification card and a business card. If the employer has suspicions that the individual is not a true Cal/OSHA representative, additional verification may be obtained by calling Cal/OSHA's local office to ask about the individual."

Business owners should know that Cal/OSHA citations are payable only after issuance of a citation, and the preferred method is through the mail to the California Department of Industrial Relations accounting unit. All payment details are clearly spelled out on the citation itself when it is issued. If an inspector ever requests payment on site for any reason, employers are urged to call

Cal/OSHA headquarters immediately at 510-286-7000. Cal/OSHA will, then, contact local law enforcement officials.

Worksite health and safety inspections are typically conducted with no prior notice and Cal/OSHA representatives identify themselves to the employer by showing their State of California Photo Identification Card and Division of Occupational Safety and Health business card prior to conducting an inspection.

The Cal/OSHA inspection protocol includes the following:

An inspector first identifies him or herself and requests permission to conduct the inspection. The employer is legally entitled to deny the inspection. If inspection is denied, Cal/OSHA requests a court warrant and returns to the worksite with the warrant and conducts the inspection;

Upon obtaining permission to conduct an inspection, the inspector first discusses with the employer his/her rights and responsibilities during an inspection, as well as what happens during the inspection process;

An inspector walks and reviews the employer's premises and interviews employees;

An inspection is concluded with another discussion that includes what hazards were identified; if citations will be issued, an inspector explains the process for those, as well.

#### **Cal/OSHA rarely issues citations on site;**

It is never proper for a Cal/OSHA investigator to request any kind of payment during the inspection.

This week the Roseville Police Department issued a warrant for the arrest of a man who they believe was part of two recent incidents involving impersonating a Cal/OSHA inspector.

For more on Cal/OSHA inspection procedures, local district office contact information, or general workplace safety, please visit the Cal/OSHA website at [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh). For a copy of the Roseville Police press release, you may visit their website at [www.roseville.ca.us/civica/press](http://www.roseville.ca.us/civica/press).





## Personal Protective Equipment OSHA to Issue 'Employer Pays' PPE Rule in November

Facing a lawsuit's court-ordered deadline as well as congressional pressure, the U.S. Labor Department has promised to issue a final rule in November requiring employers to pay for personal protective equipment (PPE). No confirming announcement was posted by DOL or OSHA, but the House Education and Labor Committee's (HELP) Web site and the AFL-CIO posted statements applauding the decision. The AFL-CIO said DOL filed papers in the federal case on March 14 promising to issue the standard. (The AFL-CIO and the United Food and Commercial Workers International Union filed the suit.)

"Although it shouldn't have taken a lawsuit to get the Department of Labor to do the right thing, it's good to see that the department now plans to require employers to take simple steps to protect workers from everyday workplace hazards," said Rep. George Miller (D-CA), chairman of the HELP Committee. "Our committee will keep a watchful eye on the department to make sure it implements -- by November -- a strong rule that protects workers."

Earlier this month, Miller and Rep. Lucille Roybal-Allard (D-CA), a member of the Labor, Health and Human Services and Education Subcommittee of the Appropriations Committee, introduced legislation that would compel the U.S. Labor Department to issue a final OSHA standard requiring employers to cover costs for workers' personal protective equipment, such as respirators, chemical resistant clothing, metal mesh gloves, lifelines and lanyards, safety glasses and face shields.

OSHA proposed the rule in 1999 to require employers to pay for PPE used by their employees. The agency's action was in response to a case it lost before OSHRC (Secretary of Labor vs. Union Tank Car Co.), in which the commission found that the secretary of Labor had failed to adequately explain the policy outlined in a 1994 memorandum in light of several earlier letters of interpretation from OSHA that were inconsistent with that policy. OSHA later reopened the rulemaking docket to take comments about which types of PPE should be considered "tools of the trade."

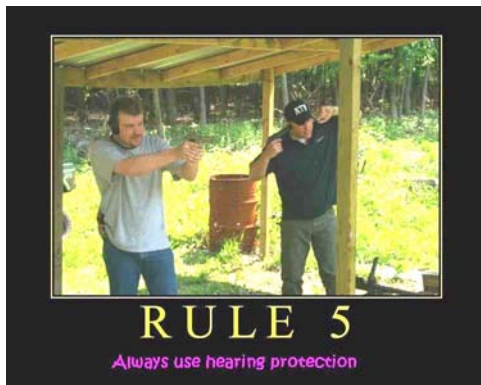
AFL-CIO President John Sweeney, whose organization filed the suit Jan. 3 in the U.S. Court of Appeals for the District of Columbia, said the rulemaking "has taken far too long. We will be monitoring the Department of Labor's actions to make sure they honor this commitment and issue a strong, protective rule."

The Washington, D.C., court ordered DOL to respond by March 19. "This is a victory for workers who have suffered needlessly while awaiting action by the Bush administration," said Joe Hansen, UFCW International president. "According to OSHA's own estimates, 400,000 workers have been injured and 50 have died while the rule has been in limbo. We expect a strong final rule this November."

The AFL-CIO states the rule will help workers in the meatpacking, poultry, and construction industries and low-wage and immigrant workers because they are most vulnerable to injury.

The petition for writ of mandamus filed by the AFL-CIO and UFCW can be accessed in PDF format at <http://www.aflcio.org/issues/safety>.

The 1999 proposed rule can be accessed at [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FEDERAL\\_REGISTER&p\\_id=13901](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13901).



**PUBLIC SAFETY MANAGEMENT ASSOCIATION (PASMA)  
SOUTHERN CHAPTER**  
WWW. [HTTP://WWW.PASMAONLINE.ORG](http://WWW.PASMAONLINE.ORG)

LOCATION:  
CALIFORNIA JOINT POWERS AUTHORITY  
8081 MOODY STREET, LA PALMA, CA 90623

**PASMA Affiliates,  
your business  
tagline can go  
here as well!**

Heat Illness Prevention Evaluation Questionnaire

Employer Inspection Data:

Inspection Number \_\_\_\_\_ Inspection Date \_\_\_\_\_
CSHO \_\_\_\_\_ Region \_\_\_\_\_ District \_\_\_\_\_
Name of Establishment \_\_\_\_\_
SIC/NAICS Code: \_\_\_\_\_ Type of Establishment \_\_\_\_\_
Management / non-management employees: How many interviewed? \_\_\_\_\_ / \_\_\_\_\_

Work Site Location:

Site Address \_\_\_\_\_
Was this located in a remote or rural site? \_\_\_\_\_
If yes, how far was site located from a major city? \_\_\_\_\_
Did Foreman know the location of the site? \_\_\_\_\_
Did Employees know the location of the worksite? \_\_\_\_\_

Weather/Environmental Conditions:

What were the environmental conditions (temperature, wind speed, % RH, clear skies) on the day of the event? \_\_\_\_\_
What were these environmental conditions on the days prior to the incident (daily average for 7 days prior)? \_\_\_\_\_
What sources of information does the employer use to evaluate environmental conditions? \_\_\_\_\_
Comments: \_\_\_\_\_

Type of Work and Working Conditions:

Describe the nature of the work and working conditions related to heat that are potentially relevant to the event? \_\_\_\_\_
Are job tasks conducted under the direct sunlight with no shade? \_\_\_\_\_
Was job task light, moderate or strenuous? \_\_\_\_\_
Work start & finish time on the day of the incident? # of hours worked? \_\_\_\_\_
Incident Date? Time of the event? \_\_\_\_\_
Was the victim non-English speaking? Y N
If yes, what was their primary language? \_\_\_\_\_
How well was English Spoken? \_\_\_\_\_
Comments: \_\_\_\_\_

Water Provisions:

Was there potable drinking water available? Y N
How much water available (plumbed or size and # of containers) \_\_\_\_\_
Did employees bring their own water to the worksite? Y N
Was sufficient quantity of water provided at the start of the shift? Y N
If not, did employer have effective replenishment procedures in place? Y N
Please describe replenishment procedures used: \_\_\_\_\_
How close was the water to the workers (state distance)? \_\_\_\_\_
If the water was not near the workers, please note reasons why not: \_\_\_\_\_
Were employees drinking water often & periodically throughout the shift? Y N
If no, please state reasons why (being rushed, water too far, fear of need to urinate, protective suits) \_\_\_\_\_
Was the water provided cool and fresh and was container kept clean? Y N
Were employees encouraged to drink water often? Y N
How were they encouraged? \_\_\_\_\_
Comments: \_\_\_\_\_

Shade Provisions:

Did employees work under any kind of shade? Y N
Did the workers have any kind of shade during their breaks? Y N
Did the workers have any kind of shade during their lunch? Y N
Please describe type of shade provided \_\_\_\_\_
Were employees paid at piece rate? Y N
Did employees take any breaks before or after lunch? Y N

Describe length and frequency of breaks, if taken: \_\_\_\_\_

Did employees feel they could take non-scheduled breaks as needed due to exposure to heat or if symptoms from heat developed? Y N

Do the employees routinely take these recovery breaks? Y N

Was access to shade provided at all times? Y N

Comments: \_\_\_\_\_

Acclimatization:

Please describe (with the most details possible) the employer's policy or procedures for addressing acclimatization of heat exposed workers? \_\_\_\_\_

If none available, please note: \_\_\_\_\_

Had the employees received any training on the importance of acclimatization? Y N

How long had this employee worked for this employer? \_\_\_\_\_

How long had the victim worked with current employer under these conditions (environmental, job task, work intensity, etc) prior to the event? \_\_\_\_\_

If less than 2 weeks, had employee been working under similar environmental (weather, environmental conditions, etc) with a different employer? Y N

If yes, please state length of prior job: \_\_\_\_\_

If no, please describe last job held by this employee (specifically any period of unemployment): \_\_\_\_\_

Comments: \_\_\_\_\_

Emergency Response Provisions:

Please describe with the most details possible, the employer's procedures (in place) for addressing emergency medical response? \_\_\_\_\_

Were the employees aware of these procedures? Y N

Was an ambulance or firefighters called to the worksite during the event? Y N

If ambulance called, how long was the response time? \_\_\_\_\_

Was victim transported to the hospital? Morgue? Other? \_\_\_\_\_

For victims seen in an emergency room, how long did it take from the time of the "incident" to evaluation in an emergency room? \_\_\_\_\_

Did employees carry cellular phone or other means of communication to contact emergency services? Y N

Did foreman know the location of the closest hospital or emergency room? Y N

Was foreman knowledgeable on the company procedures of how to contact emergency services and what to do in the event an employee develops heat related symptoms? Y N

Comments: \_\_\_\_\_

IIPP and Heat Illness Prevention Training Provisions:

Did employer have an IIPP? Y N

Did employer have a Heat Illness Prevention Program or Procedures in place to address any potential heat related illness? Y N

Did employees receive training on heat illness prevention? Y N

Did supervisors/foreman receive training on heat illness prevention? Y N

If yes, were all 3395 (e) elements included in the training? Y N

Please describe the type of training provided (video, tailgate meetings, classroom, pamphlet) how often? \_\_\_\_\_

Was training provided in the employees' primary language? Y N

Was it provided prior to or on the first day of outdoor work? Y N

Comments: \_\_\_\_\_

Medical Conditions and Other Factors:

To be filled out by Medical Unit, so please contact our Medical Unit during your investigation and forward all medical records, including emergency room and other hospital records and any available laboratory data.

Additionally, please forward any emergency response records, including reports from ambulance/firefighters and records from the coroner's office when applicable.