



Cal/OSHA Construction Permits – Revisions Now In Effect

If you are a contractor that does work that requires a permit from Cal/OSHA, there are some important changes that are effective now (were effective October 29th). Note: DOSH is accepting current permits that are already in place, new activity will require the employer to go through the new process.

The changes to §341 Permits--Excavations, Trenches, Construction and Demolition and the Underground Use of Diesel Engines in Work in Mines and Tunnels have been in the works for several years and are intended to “fix” some of the inconsistencies and frustrations for employers.

The new permit system sets up two types of permits, Annual and Project. The “Annual Permit” allows a qualifying employer to conduct specified permit-required activity at any jobsite for a period of one year, while a “Project Permit” authorizes an employer to conduct permit-required activity at the specific location(s) named in the permit.

Only one Project Permit is required per project as long as the Project Permit holder continues to act in the role of Project Administrator. If the holder of the current Project Permit no longer continues to act in the role of Project Administrator, that Project Permit is no longer valid, and no project work shall continue until a new Project Permit has been issued. The “Project Administrator” is defined as “a person or entity that has overall onsite responsibility for the planning, quality, management, or completion of a project involving the erection or demolition of a structure. Examples of Project Administrators include, without limitation, general contractors, prime contractors, owner/builders, joint ventures, and construction managers.”

Annual permits must be acquired by any employer other than a Project Permit holder who conducts permit-required activity. Annual permit holders must notify the Division prior to (24 hours prior) beginning permit-required activities at a new site. Project Permit applications are submitted to the Division district office that has jurisdiction over the

site of the project while Annual Permit applications are submitted to the Division district office where the employer’s California headquarters is located. DOSH is required to issue the permit within 5 working days of receiving an application with all required submittals or within 5 days of the initial permit safety conference.

PERMIT-REQUIRED ACTIVITIES INCLUDE:

- Erecting, raising, lowering or dismantling fixed tower cranes (Project Permit)
- Underground use of diesel engines in mines or tunnels (Project Permit)
- Demolition or dismantling of buildings or structures at least 36 feet in height (Project Administrator holds Project Permit and employers directly involved in demolition or dismantling hold Annual Permits)
- Construction of trenches or excavations 5 feet or deeper into which any person will enter (Project or Annual Permit)
- Erection or placement of scaffolding, vertical shoring or falsework intended to be more than 36 feet high when completed (Project or Annual Permit)
- For structures 36 feet or higher (Project Administrator holds Project Permit and employers directly involved in demolition or dismantling hold Annual Permits): Erection and placement of structural steel or other structural members; Installation of metal decking, curtain walls, precast panels, fascia; Forming or placement of concrete structures or decks on steel structures, and; Installation of structural framing, including roof framing.

For the full regulations go to: http://www.dir.ca.gov/title8/ch3_2sb2a2.html or contact Hallie Fraser, NCBE Workers’ Comp & Safety Director for more information.

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FACE IT!

FACE – Facility Assessment and Control Evaluation Program, a NIOSH (National Institute for Occupational Safety & Health) program that assesses fatalities across the U.S. to determine what, why, how, where, when and how to prevent future occurrence. Use this information to create tailgate meetings or make sure similar circumstances are addressed on your jobsites. Could this happen to one of your employees?

Electrician Dies When Crushed Between the Rails of a Workbasket Mounted on a Hydraulic Crane and the Face of an Industrial Neon-fluorescent Sign

A 32 year-old male electrician died when crushed between the guardrails of a workbasket and the face of an industrial neon-fluorescent sign. The decedent was changing the fluorescent light bulbs in the sign. To accomplish this task, the decedent used a truck-mounted hydraulic/electric crane workbasket with joystick type controls mounted on the yoke of the basket. After the decedent positioned the workbasket at the base of the sign, he swung the sign face up from the bottom over his head to gain access to the fluorescent tubes. As the decedent pushed the sign face upward over his head trying to wedge a piece of PVC pipe in place, he inadvertently forced the panel against the workbasket controls, activating them, forcing the workbasket into the sign. As the workbasket came forward into the sign, it jammed the sign face into the controls, preventing the controls from returning to a neutral position. The decedent's co-worker, working on the opposite side of the sign, tried to rescue the decedent by lifting the panel, activating the main controls, and cutting away the sign face, but was unsuccessful.

The employer of the decedent was an electrical contractor specializing in exterior and interior industrial lighting and neon-fluorescent sign repair. They had been in business for 38 years. The employer had on average 26 employees, with the decedent working for them for the past 12 years.

The employer had a written IIPP with all the required elements and an active safety manager. Training and safety classes were held every two weeks and these were documented. Training was accomplished through training films in a classroom setting and on-the-job-training (OJT). The vehicle maintenance and safety checks were also documented and kept on file.

Cal OSHA Releases Top Ten List for Worker Injuries and Illnesses

Continued from page 1

- Periodic meetings of supervisory employees shall be held under the direction of management for the discussion of safety problems and accidents that have occurred.
- Supervisory employees shall conduct “toolbox” or “tailgate” safety meetings, or equivalent, with their crews at least every 10 working days to emphasize safety.

342: Reporting Work-Connected Injuries

A failure to report to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death of an employee within 8 hours is an automatic fine of \$5,000. The wording for this code refers to immediate notification by telephone or telegraph within 8-hours of knowledge of the incident. There are rare occasions where the time can be extended due to circumstances, but there is still a maximum time limit to within 24 hours of the incident.

6151: Portable Fire Extinguishers

There were 585 violations relating to either the lack of, the type of, or the accessibility to portable fire extinguishers for employees.

The CA/FACE investigator determined that, in order to prevent future occurrences, employers, as part of their Injury and Illness Prevention Program (IIPP) should:

Recommendation #1: Prepare a written job hazard analysis (JHA) for job assignments, which have multiple ways to complete the job, to determine the safest procedures to follow.

After 12 years on the job, no one questioned the method the decedent used to accomplish the task, especially when past practices never indicated that an injury or death might occur when propping open a sign face. Written in this company's safety program was an instruction for completing a job hazard analysis (JHA). It stated that it was an important accident prevention tool because it helped identify hazards and eliminated or minimized them before they caused accidents. Their safety program also detailed how to

5194: Hazard Communication

This Safety Order has been found in the top five violations for the past five years. It requires manufacturers and importers to assess the hazards of substances they produce or import and requires all employers to provide a hazard communication program, posting information to employees about hazardous substances they may be exposed to.

The bottom five of the Top Ten are listed in order below. Look for additional information in an upcoming issue of Safety Times or look at www.osha.gov

3314: Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-up and Adjusting Operations of Prime Movers, Machinery and Equipment including lockout/tagout

5144: Respiratory Protection

2340.023: Guarding Openings in Electrical Boxes

461: Permits to Operate Air Tanks

2340.16: Work Space About Electrical Equipment

determine what jobs need to have a JHA performed and this particular function of the job was never mentioned as a hazard. Had a JHA been written for this job function, this incident might have been prevented.

Recommendation #2: Protect workbasket controls against unexpected activation

Having a protective cover or a safety guard around the workbasket controls would help prevent any unwanted activation of the controls. The joystick type controls are subjected to unexpected activation whenever the working environment involves excessive movement from tools, materials or arms. These types of controls also pose a risk of jamming if something gets lodged against them, preventing their return to a neutral

Continued on page 4





Safety Snippets

Upcoming NCBE Workers' Comp & Safety Seminars

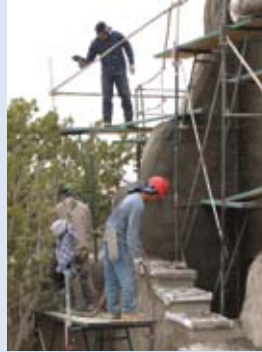
All listed seminars are held in NCBE's Construction Training Center, 1030 Apollo Way, Santa Rosa (unless otherwise specified)

2006

- December 1st** – CPR/1st Aid
- December 7th** – Intro to Cal/OSHA

2007

- January 23rd** – Workers' Comp 101
- February 6th** – Fall Protection Competent Person
- February 13th** – Scaffolding Competent Person
- February 15th** – Claims 101
- February 22nd** – Intro to Cal/OSHA



More seminars are being scheduled. NCBE members should keep an eye out in the Building News for all seminars. Flyers for each are inserted about three weeks prior to the seminar and a broadcast fax is sent to all members.

For a full listing, go to www.ncbeonline.com or for safety seminars only go to www.ncbesafety.com. You can also contact Rebecca at (707) 542-9502 for more information regarding our lineup of seminars.

COMP CORNER

Continued from page 1

welding in your operations, you should take a look at these regulations.

Did you know that you can review any proposed Cal/OSHA regulation at <http://www.dir.ca.gov/oshsb/proposedregulations.html> ? You can also periodically check for approved regulations at <http://www.dir.ca.gov/oshsb/apprvd.html>. Keep yourself updated, it's easy!



A strong safety program should be a part of any company's risk management system. OSHA can fine you for safety violations in relation to a serious injury or death, but the big money is in potential civil liability.

An example is the recent settlement reached regarding the 2004 Walnut Creek pipeline explosion that killed five and seriously injured three. The family of one of the welders that was killed and three survivors that were injured were recently awarded \$6 million dollars. They will be paid out of a \$26 million dollar insurance policy purchased by Mountain Cascade Inc., the company that was installing a new water main near downtown Walnut Creek when its backhoe struck a high-pressure gasoline line and caused a large explosion.

The victims are still suing other companies and the settlements are the first to emerge out of about 17 wrongful death, personal injury and property damage lawsuits. In addition, the Contra Costa County District Attorney's office is considering possible criminal charges against one or more individuals.

When people are seriously injured or killed it can become a nightmare of OSHA, Civil, and criminal liabilities, so make sure your risk management decisions include potential safety liability and make sure your general liability insurance has enough coverage.



FACE IT! *Continued from page 3*

position. Replacing joystick type switches with buttons that have protective collars would also be a way of preventing unexpected activation.

Recommendation #3: Develop rescue procedures that show how to override the auxiliary controls when someone is in the workbasket.

Rescue procedures that have been developed and practiced are usually effective when actually used. Most bucket trucks with dual controls have a way of activating the controls from the ground when the basket person becomes disabled. The master control switch for the truck involved in this incident was located below the main switch panel. If used, it would have shut down the system, relieving the pressure on the workbasket, possibly lessening the extent of the injuries sustained by the decedent.

Contact Us

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NCBE Safety Hotline

Have a safety question? Need a copy of a regulation? Want to set up a site inspection? Is OSHA coming to visit and you need urgent assistance with getting into compliance? Call NCBE's new Safety Hotline. It's a direct line to someone who can help. (707) 542-SFTY (7389).





SAFETYTIMES

ROUTING SLIP

A Bi-Monthly Publication distributed by the Workers' Comp Trust
P.O. Box 8070, Santa Rosa, CA 95407 • (707) 542-9502 • www.ncbesafety.com

Issue 17, Number 3 North Coast Builders Exchange November-December 2006

Cal OSHA Releases Top Ten List for Worker Injuries and Illnesses



When it came to safety issues, it would appear that 2005 was a very good year for both workers and employers. According to a recently released report by Cal OSHA, workplace injury and illness declined in 2005 for the third straight year making 2005's overall rate the lowest on record. According to the Bureau of Labor Statistics (BLS) report titled, *Workplace Injuries and Illnesses in 2005*, non-fatal injuries and illnesses in 2004 equaled 4.8 cases per 100 workers. In 2005 the number went down to 4.6 per 100.

Cal OSHA released their top ten list of violations in October of this year for incidents in 2005. The 2005 list is near identical to the list issued for 2004 with the only notable change being that violations for Asbestos made the 2004 list and was replaced by citations for Work Space About Electrical Equipment Violations.

CAL OSHA'S TOP 10 VIOLATIONS FOR 2005

3203: Injury and Illness Prevention Program

Cal OSHA regulations require that an Injury and Illness Prevention Program must be a written plan that includes procedures and implementation. There were 1664 violations noted, near double the number of violations

issued for the second highest violation. According to Safety Order 3203 the following elements are required:

- Management commitment/assignment of responsibilities
- Safety communications system with employees
- System for assuring employee compliance with safe work practices
- Scheduled inspections/evaluation system
- Accident investigation
- Procedures for correcting unsafe/unhealthy conditions
- Safety and health training and instruction
- Recordkeeping

1509: Construction Injury and Illness Prevention Program

This is the big one for any construction employer. Although there are many of the same elements in 1509 as there are in 3203, 1509 is construction specific and details very specific requirements for posting safety material, supervisors meetings and tailgate meetings. 1509 requires the following:

- Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program in accordance with section 3203 of the General Industry Safety Orders.
- Every employer shall adopt a written "Code of Safe Practices" that relates to the employer's operations.
- The "Code of Safe Practices" shall be posted at a conspicuous location at each job site office or be provided to each supervisory employee who shall have it readily available.

2005's overall injury and illness rate is the lowest on record.

Continued on page 3

COMP CORNER

Hallie Fraser
Workers' Comp & Safety Director



THERE'S BEEN A BIT OF ACTIVITY ON THE REGULATORY FRONT, SO HERE IS A BRIEF UPDATE:

- Construction Permit regulation (§341) has changed and is now in effect. See the article on page 2 for information regarding the new Construction Permit regulations.
- The Governor signed SB 1359 which is intended to prevent future tragedies such as the 2004 Walnut Creek fire and explosion. Cal/OSHA has proposed revisions to §1541 General Requirements to be in line with the Senate Bill. The changes include: Requiring that only qualified persons perform subsurface installation locating activities; requiring that if an excavation is within 10 feet of a high priority subsurface installation, the excavator must notify the facility owner/operator and the parties must meet to verify line locations. Go to <http://www.dir.ca.gov/oshsb/excavations0.html> for the proposed language.
- The hexavalent chrome revisions are now in place and effective. Changes were made to §1532.2 (Construction Safety Orders go to http://www.dir.ca.gov/Title8/1532_2.html), §5206, §5155, and §8359 that lower the permissible exposure limits and require controls be put in place by employers. If you do

Continued on page 4

