

Federal OSHA Overview

Increased Supervision of State Plan States

At Least As Effective As

- State plan standards and enforcement must be at least as effective as federal OSHA in providing safe and healthful employment to workers.
- In order to operate its own plan, a state must enact an equivalent of the federal OSH Act and must use administrative and regulatory procedures to adopt its own standards, regulations and operating procedures, all of which must be updated within six months of any change in the federal program.



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Background

- Section 18 of the Occupational Safety and Health Act of 1970 (the Act) encourages States to develop and operate their own job safety and health programs.
- OSHA approves and monitors State plans and provides up to 50 percent of an approved plan's operating costs.
- States and jurisdictions that have complete programs covering both the private sector and state and local governments = 22
 - California (since 1973)
- States and jurisdictions that have programs limited in coverage to public sector employees = 5
- Eight other States were approved at one time but subsequently withdrew their programs
- Percent of workplaces covered by state plan states = 40%



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- OSHA Conducts Enhanced Federal Annual Monitoring and Evaluation (EFAME)
- States have 30 days to provide a formal response, including a detailed corrective action plan for addressing findings and recommendations
- In 2011, Dept. of Labor - Office of the Inspector General (—OIG) concluded that OSHA has yet to devise a means to determine whether State Plans are —as effective as OSHA
- Current Administration has put increased emphasis on enforcement and penalties.



California State Plan

- **Jurisdiction**

The California State Plan applies to all public and private sector places of employment in the state with the exception of federal government employees.

- **Unique State Plan Standards**

Cal/OSHA has adopted all OSHA standards that would relate to public and private sector employer operations. Cal/OSHA incorporates federal standards by reference. Therefore, the state and federal standards are identical. Cal/OSHA has adopted the following unique standards:

- Toxic Chemical Handling and Exposure
- Agriculture
- Repetitive Motion Injuries
- Child Labor
- Heat Exposure
- Noise Exposure



California State Plan (cont.)

- **Enforcement Programs**

The Division of Occupational Safety and Health (DOSH) is the principal executor of the California State Plan which oversees enforcement and consultation. Cal/OSHA utilizes the Division of Labor Standards Enforcement (DLSE) Enforcement Policies and Interpretations Manual to provide guidance for the enforcement program.

- **Voluntary and Cooperative Programs**

Cal/OSHA offers voluntary and cooperative programs focused on reducing injuries, illnesses, and fatalities. Cal/OSHA also offers on-site consultation services which help employers - both public and private - comply with Cal/OSHA or OSHA standards and identify and correct potential safety and health hazards. For more information on these programs, please visit the California State Plan website.

- **Informal Conferences and Appeals**

Cal/OSHA conducts informal conferences in an effort to resolve contested cases. The California Occupational Safety and Health Appeals Board hears and rules on appeals from citations, notifications, and penalties issued by Cal/OSHA's enforcement unit. For more information on these proceedings, please visit the California State Plan website.

