



City of Carmel-by-the-Sea
Building Safety Division
Standard Operating Guidance

17-15 Reporting CA OSHA Violations

Background

From time to time City staff and officials are made aware of potential Occupational Safety and Health Act violations taking place on job sites within the City. These may be on private or public property and involve a range of issues from working in un-shored excavations over 5' in depth to working on roofs or scaffolding without proper fall protection. Enforcing job site safety regulations is the responsibility of CA OSHA from their regional office in Fremont. City employees generally have no regulatory authority to enforce OSHA regulations. This SOG provides guidance on how to document and report observed unsafe job site conditions or practices to CA OSHA for their further follow-up.

Citations

CA Code of Regulations, Title 8, Ch. 3, California Occupational Safety and Health Regulations
Carmel Municipal Code Title 15, Buildings and Construction
Carmel Municipal Code Title 12, Streets, Sidewalks and Public Places

Guidance

While the City doesn't have a legal requirement to report, when City staff and officials are made aware of potential OSHA violations, they may report the situation to the CA OSHA regional office for follow-up action. CA OSHA recommends that such situations be reported timely, depending on the relative risk involved, as follows:

1. Short-term work likely to be completed within one day.
 - a. Photograph the work in progress. Take pictures from various angles and include enough detail to show the extent of the hazard. This may include pictures of work in progress and the potential violating condition (i.e. workers in ditches over 5' deep without shoring or protective "ditch boxes"; workers on roofs or scaffolding without proper fall protection; or workers working in hazardous atmospheres without proper personal protective equipment). Photographs should also, if possible, show contractor vehicles and other evidence of the responsible party for the potential violation.
 - b. Attempt to obtain the contractors company name and license number.
 - c. Document the location/address of the site in question.
 - d. Write a detailed description of the situation of concern. Include numbers of workers at risk, and other observations leading to the concern for OSHA compliance.
 - e. Include your name, title, contact phone, email address, and mailing address.
 - f. Compile the above information and send to the OSHA compliance office at DOSHfremont@dir.ca.gov.

- g. Document the date and time that the report is made to the OSHA office.
2. For particularly egregious situations, the CA State Licensing Board may also be contacted. In some cases, contractors are required to possess annual work permits from CA OSHA (e.g. workers in holes and ditches over 5' deep or working in confined spaces). Failure to possess the appropriate permits or violations of such permits may result in a licensing violation in addition to CA OSHA violations. CSLB can be contacted at 916-255-4027 (Sacramento Office) or 831-620-1548 (Carmel Valley Office)
3. Longer term work likely to continue for multiple days
 - a. Document the situation and observations as described for short-term work above.
 - b. Call the CA OSHA Regional Duty Officer (DO) at 510-794-2521 and report the situation. Between 0800 – 1700 this number is monitored by the DO directly. Evenings, it is answered by a service which will relay the information to the on-call DO for further action. If you speak with the service, inform them that you are submitting documentation via email so the DO knows to check.
 - c. Email the information to the OSHA compliance office at DOSHfremont@dir.ca.gov or as directed by the Duty Officer.
 - d. Document the date and time that the report is made to the OSHA office, and the name of the DO contacted for the report. If the report is made after hours, document the date and time that the report is made to the answering service and any information provided by the service.
 - e. For particularly egregious situations, the CA State Licensing Board may also be contacted. In some cases, contractors are required to possess annual work permits from CA OSHA (e.g. workers in holes and ditches over 5' deep or working in confined spaces). Failure to possess the appropriate permits or violations of such permits may result in a licensing violation in addition to CA OSHA violations. CSLB can be contacted at 916-255-4027(Sacramento Office) or 831-620-1548 (Carmel Valley Office)

In all cases where City staff or officials generate an investigation request to OSHA, the person making the report should maintain copies of all documentation, images, notes, etc. for future reference.