

Subchapter 7. General Industry Safety Orders

INTRODUCTION

§ 3200. Purpose.

To fulfill the expressed social public policy of the State of California set forth in Article XX, Section 21 of the Constitution, to make full provision for securing safety in places of employment, these General Industry Safety Orders are promulgated for the guidance of employers and employees alike. Compliance with these orders may not in itself prevent occupational injuries or diseases, but will, it is believed, provide a safe environment which is a fundamental prerequisite in controlling injuries. Every employer should provide his supervisory staff with a copy of these orders and assure himself that each supervisor is familiar with those sections pertaining to the operations under his supervision.

Note: Authority cited for § 3200 to 4207, inclusive: Sections 6312 and 6500, Labor Code. Additional authority cited: Section 6502 and Section 142.3, Labor Code. Issuing agency: Division of Industrial Safety.

History

1. New §§ 3200 to 4191, inclusive (except as otherwise noted) filed, and §§ 4201 to 4207, inclusive, refiled 12-19-49 (Register 18, No. 8).
2. Repealer of Subchapter 7 (Groups 1-9, §§ 3210 through 4207, not consecutive) and new Subchapter 7 (Groups 1-4, 6, 8, 10, 13-16, 18, §§ 3210 through 5370, not consecutive) filed 2-1-72 as an emergency; designated effective 2-1-72 (Register 72, No. 6). For prior history, see Register 55, No. 2., Register 57, No. 13, Register 60, No. 19, Register 61, No. 26, Register 62, Nos. 1 and 21, Register 66, Nos. 23 and 38, Register 67, Nos. 18 and 38, Register 68, No. 47, Register 69, No. 9, Register 70, Nos. 1 and 25, Register 71, No. 17, Register 72, No. 2.
3. Certificate of Compliance filed 4-26-72 (Register 72, No. 19).
4. Repealer of Subchapter 7 (Groups 1-9, §§ 3210 through 4207, not consecutive) and new Subchapter 7 (Groups 1-4, 6, 8, 10, 13-16, 18, §§ 3210 through 5370, not consecutive) refiled 6-1-72 as an emergency; designated effective 6-1-72. Certificate of Compliance included (Register 72, No. 23). For prior history, see Register 72, No. 20.
5. Amendment and renumbering of subsections (a)(15) through (a)(42) filed 1-31-75 as an emergency; effective upon filing (Register 75, No. 5).
6. These orders supersede the orders heretofore separately published in Title 8, Chapter 1, Subchapter 4 entitled Dust, Fumes, Vapors and Gases Safety Orders, Engine Safety Orders, Gantry—Truck Safety Orders, General Safety Orders, Laundry Safety Orders, Mechanical Power Transmission Safety Orders, Steam Shovel and Locomotive Crane Safety Orders, Safety Orders for Women in Industry and Woodworking Safety Orders.

§ 3201. Title.

These safety orders shall be known as General Industry Safety Orders.

§ 3202. Application.

(a) These orders establish minimum standards and apply to all employments and places of employment in California as defined by Labor Code Section 6303; provided, however, that when the Occupational Safety and Health Standards Board has adopted or adopts safety orders applying to certain industries, occupations or employments exclusively, in which like conditions and hazards exist, those orders shall take precedence wherever they are inconsistent with the General Industry Safety Orders hereinafter set forth.

Note: Unless otherwise designated in this subchapter, the phrase "division" refers to the current Division of Occupational Safety and Health or any of its predecessors including the former Division of Industrial Safety or the Division of Occupational Safety and Health Administration. Reference to the former Division of Industrial Safety or Division of Occupational Safety and Health Administration in these orders is meant to refer to their successor, the Division of Occupational Safety and Health, or any subsequent successor agency.

(b) After the date on which these Orders become effective, all installations shall conform to these Orders.

Exception: (1) Existing installations which are in compliance with safety orders, or variations there from, in effect prior to the effective date of these safety orders, unless the hazard presented by the installation or equipment is, in the judgment of the Chief of the Division, of such severity as to warrant control by the application of the applicable sections of these orders.

(2) Facsimiles, replicas, reproductions, or simulations when used for exhibition purposes when such compliance would be detrimental to their use for such purposes unless the hazard presented by the installation is, in the judgment of the Chief of

the Division, of such severity as to warrant control by the application of the applicable sections of these Orders.

(c) Regulations herein affecting building standards, apply to any building, or building alteration, or building modification for which construction is commenced after the effective date of the regulations. Date of commencement of construction, for the purpose of this section, shall be:

(1) The advertising date for invitation of bids for State and local government projects.

(2) The building permit issuance date for other projects.

(Title 24, Part 2, Section 2-109.)

Note: Identification of Building Regulations. The basic building regulations for employments and places of employment contained in Title 24, State Buildings Standards Code, California Administrative Code are part of these safety orders. Pursuant to Health and Safety Code Section 18943(c), such building regulations are identified in these safety orders by the addition of a reference to the appropriate section of the State Building Standards Code (Title 24), which is added to the end of the safety order section:

(Title 24, Part X, Section XXXX.)

(d) Nothing contained in these regulations shall be considered as abrogating the provisions relating to public safety of any ordinance, rule or regulation of any governmental agency, providing such local ordinance, rule or regulation is not less stringent than these minimum standards.

Note: The filing date 12-19-49 shown in the History Note of Section 3200 is for the sections originally filed. The filing date of sections subsequently adopted or revised is shown in the History Note at the end of the section. Orders become effective 30 days after filing.

(Title 24, T8-3202)

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; and Section 18943(c), Health and Safety Code.

History

1. Repealer and new section filed 10-25-74; effective thirtieth day thereafter (Register 74, No. 43).
2. Repealer and new section filed 1-31-75 as an emergency; effective upon filing (Register 75, No. 5).
3. Certificate of Compliance filed 3-4-75 (Register 75, No. 10).
4. Amendment filed 7-16-76; effective thirtieth day thereafter (Register 76, No. 29).
5. Amendment of subsection (a) filed 7-6-79 as procedural and organizational; effective upon filing (Register 79, No. 27).
6. Amendment of subsection (c) and NOTE filed 5-25-83; effective thirtieth day thereafter (Register 83, No. 22). Approved by State Building Standards Commission 1-24-83.

§ 3203. Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall at a minimum:

(1) Identify the person or persons with authority and responsibility for implementing the Program.

(2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

(3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees. Exception: Employers having fewer than 10 employees shall be permitted to communicate to and instruct employees orally in general safe work practices with specific instructions with respect to hazards unique to the employees' job assignments as compliance with subsection (a)(3).

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.

(A) When the Program is first established;
Exception: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(5) Include a procedure to investigate occupational injury or occupational illness.

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

(7) Provide training and instruction:

(A) When the program is first established;

Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

(b) Records of the steps taken to implement and maintain the Program shall include:

(1) Records of scheduled and periodic inspections required by subsection (a)(4) to identify unsafe conditions and work practices, including person(s) conducting the inspection, the unsafe conditions and work practices that have been identified and action taken to correct the identified unsafe conditions and work practices. These records shall be maintained for at least one (1) year; and
Exception: Employers with fewer than 10 employees may elect to maintain the inspection records only until the hazard is corrected.

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

Exception No. 1: Employers with fewer than 10 employees can substantially comply with the documentation provision by maintaining a log of instructions provided to the employee with respect to the hazards unique to the employees' job assignment when first hired or assigned new duties.

Exception No. 2: Training records of employees who have worked for less than one (1) year for the employer need not be retained beyond the term of employment if they are provided to the employee upon termination of employment.

Exception No 3: For Employers with fewer than 20 employees who are in industries that are not on a designated list of high-hazard industries established by the Department of Industrial Relations (Department) and who have a Workers' Compensation Experience Modification Rate of 1.1 or less, and for any employers with fewer than 20 employees who are in industries on a designated list of low-hazard industries established by the Department, written documentation of the Program may be limited to the following requirements:

A. Written documentation of the identity of the person or persons with authority and responsibility for implementing the program as required by subsection (a)(1).

B. Written documentation of scheduled periodic inspections to identify unsafe conditions and work practices as required by subsection (a)(4).

C. Written documentation of training and instruction as required by subsection (a)(7).

Exception No. 4: Local governmental entities (any county, city, city and county, or district, or any public or quasi-public corporation or public agency therein, including any public entity, other than a state agency, that is a member of, or created by, a joint powers agreement) are not required to keep record, concerning the steps taken to implement and maintain the Program.

Note 1: Employers determined by the Division to have historically utilized seasonal or intermittent employees shall be deemed in compliance with respect to the requirements for a written Program if the employer adopts the Model

Program prepared by the Division and complies with the requirements set forth therein.

Note 2: Employers in the construction industry who are required to be licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code may use records relating to employee training provided to the employer in connection with an occupational safety and health training program approved by the Division, and shall only be required to keep records of those steps taken to implement and maintain the program with respect to hazards specific to the employee's job duties.

(c) Employers who elect to use a labor/management safety and health committee to comply with the communication requirements of subsection (a)(3) of this section shall be presumed to be in substantial compliance with subsection (a)(3) if the committee:

(1) Meets regularly, but not less than quarterly;

(2) Prepares and makes available to the affected employees, written records of the safety and health issues discussed at the committee meetings and, maintained for review by the Division upon request. The committee meeting records shall be maintained for at least one (1) year;

(3) Reviews results of the periodic, scheduled work site inspections;

(4) Reviews investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness, or exposure to hazardous substances and, where appropriate, submits suggestions to management for the prevention of future incidents;

(5) Reviews investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, the committee may conduct its own inspection and investigation to assist in remedial solutions;

(6) Submits recommendations to assist in the evaluation of employee safety suggestions; and

(7) Upon request from the Division, verifies abatement action taken by the employer to abate citations issued by the Division.

Note: Authority cited: Sections 142.3 and 6401.7, Labor Code. Reference: Sections 142.3 and 6401.7, Labor Code.

History

1. New section filed 4-1-77; effective thirtieth day thereafter (Register 77, No. 14). For former history, see Register 74, No. 43.
2. Editorial correction of subsection (a)(1) (Register 77, No. 41).
3. Amendment of subsection (a)(2) filed 4-12-83; effective thirtieth day thereafter (Register 83, No. 16).
4. Amendment filed 1-16-91; operative 2-15-91 (Register 91, No. 8).
5. Editorial correction of subsections (a), (a)(2), (a)(4)(A) and (a)(7) (Register 91, No. 31).
6. Change without regulatory effect amending subsection (a)(7)(F) filed 10-2-92; operative 11-2-92 (Register 92, No. 40).
7. Amendment of subsection (b)(2), Exception No. 1, new Exception No. 3 through Exception No. 4, Note 2, and amendment of subsection (c)(2) filed 9-13-94; operative 9-13-94 pursuant to Government Code section 11346.2 (Register 94, No. 37).
8. Editorial correction of subsections (a)(6)(A) and (a)(7)(A) (Register 93, No. 22).
9. Amendment of subsections (b)(1)-(2) and (c)(2) filed 6-1-95; operative 7-3-95 (Register 95, No. 22).

§ 3204. Access to Employee Exposure and Medical Records.

(a) Purpose. The purpose of this section is to provide employees and their designated representatives and authorized representatives of the Chief of the Division of Occupational Safety and Health (DOSHS) a right of access to relevant exposure and medical records. Access by employees, their representatives, and representatives of DOSHS is necessary to yield both direct and indirect improvements in the detection, treatment, and prevention of occupational disease. Each employer is responsible for assuring compliance with this section, but the activities involved in complying with the access to medical records provisions can be carried out, on behalf of the employer, by the physician or other health care personnel in charge of employee medical records. Except as expressly provided, nothing in this section is intended to affect existing legal and ethical obli-

