

LOSS CONTROL TOOL CHEST

Cal-OSHA Consultation/Cal-OSHA Enforcement **What is the Difference?**

Cal-OSHA Consultation provides assistance to employers' by reviewing safety programs, recordkeeping, losses and performing facility inspections. They develop a list of recommendations of what you need to do to prevent accidents and lower your ex-mod.

Cal-OSHA Enforcement is the department that imposes fines for infractions of regulations and you may or may not receive notification that they are coming.

Here are the reasons you may receive a visit from **Enforcement**:

- An accident involving a fatal or a serious injury or illness or other event
- A complaint alleging a workplace hazard or a violation of a Title 8 Safety Order
- Cal/OSHA Programmed inspection such as Targeted Employers Programmed Inspection List ((X-Mod) Experience Modification Factor of 125% or higher) or Special Emphasis Programmed Inspection List (High Hazard Industry);
- "In the area" drop in - this is rare due to their caseload

If your X-Mod is above 125%, then you may be receiving a letter from **Consultation**. **Don't panic!** Cal-OSHA is not going to come into your facility and start handing out fines.

If during the consultation, the Cal-OSHA Consultant discovers an infraction; they will notify you and give you an allotted time to correct the situation. If you do not make the correction, they will notify **Enforcement** to make a visit. Then, you may be penalized with fines for any Cal-OSHA citation.

So what should you do if you receive a notice from **Consultation** for having an X-Mod over 125%? There are two ways to approach this:

- 1) The best way is to contact **Consultation** and invite them to review your safety programs, documentation and facility. This sounds frightening, but it is better to work with **Consultation** rather than wait for **Enforcement** to show up at your facility. If you have received a letter due to a 125% X-Mod, **Enforcement** can show up at any time. If you are working with **Consultation**, **Enforcement** will stay away unless **Consultation** lets them know you have not corrected noted hazardous and regulation deficiencies.
- 2) The second way is to write a letter to **Consultation** outlining the improvements you have made to address the frequency and severity you were experiencing. Include newly

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implemented safety programs, documented training, new machinery, guards installed, etc. At the end of the letter, inform them that you are working with your insurance carrier to reduce exposures and that if **Consultation** still needs to make a visit that they should call you to schedule an appointment.

- a. **Enforcement** may not view this approach as actually working with **Consultation** and therefore may proceed with an inspection of your facility, safety programs and documentation of safety efforts.

Do you know what your X-Mod is? Is it above 125%? It's in your best interest to keep it low, below 125%, no matter how hazardous your industry is. Protect your company and your workers, recognize hazards and know your X-Mod. You can avoid unexpected letters and visits from Cal-OSHA!