

ENVIRONMENTAL
PROTECTION

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**HEALTH AND SAFETY PLAN FOR
EXCAVATION OF LEAD-AFFECTED SOILS
AT
1258 64TH STREET, EMERYVILLE, CALIFORNIA**

DECEMBER 16, 1996

Prepared for

CITY OF EMERYVILLE
Redevelopment Agency
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Prepared by

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**HEALTH AND SAFETY PLAN FOR
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AT
1258 64TH STREET, EMERYVILLE, CALIFORNIA**

1.0 INTRODUCTION

This Health and Safety Plan (HSP) addresses the hazards associated with the planned field activities at 1258 64th Street, Emeryville, California ("the Site"). It presents baseline health and safety requirements for establishing and maintaining a safe working environment during the course of work. The planned field activities at the Site include: 1) the excavation of surface and subsurface lead-affected soils, and 2) sampling subsurface soil to an approximate depth of 12-18 inches below ground surface.

In addition to the procedures and safeguards outlined in this HSP, SOMA Corporation (SOMA) personnel and contractor/subcontractor employees shall follow applicable federal, state, and local regulations. In the event of conflicting requirements, the procedures/practices that provide the highest degree of personnel protection shall be implemented. Deviations from this HSP must be approved by the SOMA Corporate Health and Safety Officer.

If work plan specifications change during or after the preparation of this HSP, or if site conditions differ as the result of more information, the SOMA Corporate Health and Safety Officer shall be informed immediately and appropriate changes shall be made to this HSP.

At a minimum, all of the contractor's and subcontractors' employees who will be working on the site must:

1. Have read and understood the specifications of this HSP.
2. Have completed all training requirements in 29 Code of Federal Regulations (CFR) 1910.120.
3. Provide their own health and safety equipment as indicated in this HSP, and comply with the minimum requirements established by this HSP. If the subcontractor has prepared his/her own HSP, it must minimally meet requirements contained herein and all applicable federal, state, and local health and safety requirements.

This HSP shall be read and approved by the SOMA Corporate Health and Safety Officer, the SOMA Project Manager, the SOMA Project Coordinator, and a SOMA Corporate Officer.

A copy of this HSP shall be kept on site, easily accessible to all employees and government inspectors, and in SOMA files.

This HSP was prepared using the following documents:

- 29 CFR 1910 -- Occupational Safety and Health Standards.
- 29 CFR 1926 -- Safety and Health Regulations for Construction.
- Title 8, California Code of Regulations, Occupational Safety and Health Standards.

- American Conference of Government Industrial Hygienists (ACGIH), 1988. Threshold Limit Values and Biological Exposure Indices for 1991-1992. Cincinnati, Ohio: ACGIH.
- California Department of Health Services (DHS), Toxic Substances Control Division (TSCD), Technical and Support Unit, Region 3, Los Angeles, California, August 1988. Site Safety Plan Guidance Document.
- A R.E.A Environmental Services (A R.E.A). 1996. Phase I Environmental Site Assessment, Vacant Lot, Alameda County APN 049-1470-005-01, 1258 64th Street, Emeryville, California. March 26.
- Environmental Innovations Corporation (EIC). 1995. Building Inspection for ACM & Soil Sampling for Existing Lead Contamination. June 6.
- Geotechnical Engineering Inc. (GEI). 1995. Report - Soil Investigation Including Paving Design, Proposed Housing Development, 1258 64th Street, Emeryville, California. December 30.
- H+GCL Environmental Scientists and Engineers (H+GCL). 1994. Shallow Soil Investigation for the Property at 1268 64th Street, Emeryville, California. January 21.
- KELLCO. 1995. Pre-demolition and Post-demolition Soil Sampling and Lead Analysis Report. August and October.
- RGA Environmental, Inc. (RGA). 1992a. Groundwater Sample Report, 1268 64th Street & 1265-1269 Ocean Avenue, Emeryville, California. June 3.
- RGA Environmental, Inc. (RGA). 1992b. Subsurface Investigation, 1268 64th Street & 1265-1269 Ocean Avenue, Emeryville, California.
- National Institute for Occupational Safety and Health (NIOSH); Occupational Safety and Health Administration (OSHA); U.S. Coast Guard (USCG); U.S. Environmental Protection Agency (EPA), October 1985. Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities. Washington D.C.: U.S. Government Printing Office.
- NIOSH/OSHA, 1981. Occupational Health Guidelines for Chemical Hazards. DHHS Publication No. 81-123; 88-118, Supplement 1-OHG; 89-104, Supplement 11-OHG; Washington D.C.: U.S. Government Printing Office.
- Regional Water Quality Control Board (RWQCB), San Francisco Bay Region, California, June 1986. Site Safety Plan Format.
- Sax, N. Irving, 1984. Dangerous Properties of Materials, 6th edition, Van Nostrand Reinhold Company, Inc., New York, New York.
- U.S. EPA, Office of Emergency and Remedial Response, Hazardous Response Support Division, November 1984. Standard Operating Safety Guides.

2.0 SITE CHARACTERISTICS

2.1 Site Description

The Site is located on the north side of 64th Street between Doyle and Vallejo Streets and measures approximately 50 feet by 107 feet in size. The Site is relatively level with surface elevations ranging from 26 to 28 feet above mean sea level. Although the Site is currently vacant, it was formerly occupied a residence and a garage. The property has been in continuous use as residential property since 1911. Prior to 1911, the Site was vacant and not developed.

2.2 Previous Site Investigations and Remedial Activities

Previous soil investigations have been conducted at the Site by various consultants for different reasons. The results of those studies are detailed in the SOMA Work Plan of August 20, 1996. On September 9, 1996, SOMA Corporation collected additional soil samples to better characterize the Site and gather sufficient information about the distribution of lead in soil for the purpose of remediation. The highest detected concentrations of lead found on site were 380 and 310 mg/kg. The results of the sampling effort are found in Table 1 of the SOMA report entitled, Combined Soil and Ground-Water Investigation and Corrective Action Plan of October 1996 (CAP). The CAP also contained documentation for the identification of a remedial target cleanup goal (TCG). A TCG of 320 mg/kg was calculated and approved the the Alameda County Department of Environmental Health.

3.0 WORK DESCRIPTION

The planned activities at the site include the following major tasks:

- Task 1: Heavy equipment will be used to perform shallow excavation of soil from two on-site locations (SB-5 and SB-9).
- Task 2: Confirmatory soil samples from 4 side walls and one bottom sample will be taken from each location to confirm that the TCG for this Site has been attained.

Each of these tasks is described in detail below.

3.1 Task 1: Soil Borings and Soil Sampling

Soil excavation will be performed using heavy equipment from two locations on site (SB-5 and SB-9). A 10-foot diameter surround the two sampling locations to an approximate depth of one feet will be excavated. Approximately 10 cubic yards are estimated to be generated from the selected excavations.

3.2 Task 2: Confirmatory Sampling

Several soil samples will be collected during the field activities. Four side wall and a bottom sample will be collected from each excavation location to confirm that the TCG of 320 mg/kg has been attained. In addition, a 4-point composite sample sample will be taken from the excavated soil in order to satisfy disposal requirements. An additional soil sample will be submitted to evaluate whether the soil will be required to be classified as a RCRA waste.

4.0 SITE SAFETY RESPONSIBILITIES

4.1 Site Safety Personnel (SOMA)

<u>Name</u>	<u>Responsibilities</u>
Dr. Norman Ozaki	Project Manager
Mr. Peng Leong	On-Site Health and Safety Coordinator and Sampler
Dr. Norman Ozaki	Corporate Health and Safety Officer; may inspect site for adherence to HSP, and modify protective measures as deemed necessary.

4.2 SOMA Personnel and Responsibilities

The responsibilities of the SOMA personnel listed in Section 4.1 are outlined below.

4.2.1. SOMA Project Manager

The SOMA Project Manager, Dr. Norman Ozaki, had major responsibility for the health and safety of SOMA personnel on site. As part of his duties, Dr. Ozaki shall be responsible for:

1. The SOMA Corporate Health and Safety Officer and Project Manager being informed of project developments.
2. SOMA personnel on site receiving the proper training and being informed of potential hazards anticipated at the Site and the recommended procedures/precautions for the Site.
3. Subcontractors being informed of the hazards expected at the Site and appropriate protective measures. (Subcontractors should also be given a copy of SOMA's HSP for review).
4. Resources being available to provide a safe and healthy work environment for SOMA personnel.

4.2.2 SOMA Corporate Health and Safety Officer

The SOMA Corporate Health and Safety Officer has been designated as Dr. Norman Ozaki. Dr. Ozaki shall be responsible for:

1. Assessing the potential health and safety hazards existing on site.
2. Monitoring the health and safety impacts of this project on all SOMA personnel working at the Site.
3. Recommending appropriate safeguard and procedures.
4. Modifying the HSP, when necessary.
5. Approving changes in safeguards or operating procedures for the Site.

The SOMA Corporate Health and Safety Officer shall have the power to:

1. Require that additional safety precautions or procedures be implemented by SOMA staff and/or contractors/subcontractors working at the Site.
2. Order an evacuation of SOMA staff and/or contractor/subcontractors from the Site, or portion(s) of the Site, shut down any sampling operation, if he believes a health or safety hazard exists that has not been adequately addressed by the HSP.
3. Deny unauthorized personnel access to the Site.
4. Require that any worker obtain immediate medical attention.
5. Approve or disallow any proposed modifications to safety precautions or working procedures.

4.2.3 On-Site Health and Safety Coordinator

The On-Site Health and Safety Coordinator (OHSC) has been designated by SOMA as Mr. Peng Leong. Mr. Leong is a Geotechnical Engineer and has fulfilled the safety training requirements of the Superfund Amendments and Reauthorization Act (SARA), and passed eight-hour supervisory and annual refresher courses. The OHSC, or a trained designated alternate, will be present at the Site during work Activities. The OHSC shall be notified of and approve activities in which persons may be reasonably expected to be exposed to contaminated soils and/or ground water.

The OHSC shall be responsible for:

1. Implementing the HSP.
2. Limiting access to those portions of the Site where SOMA staff and/or subcontractors are involved in sampling activities.
3. Reporting unusual or potentially hazardous conditions to the SOMA Corporate Health and Safety Officer and the SOMA Project Coordinator.
4. Reporting injuries, exposures, or illnesses to the SOMA Corporate Health and Safety Officer and the SOMA Project Coordinator.
5. Communicating proposed changes in work scope or procedures to the SOMA Corporate Health and Safety Officer for approval.
6. Recommending to the SOMA Corporate Health and Safety and the SOMA Project Coordinator additional safety procedures or precautions that might be implemented.

The OHSC shall have the power to:

1. Order an evacuation of SOMA staff and/or contractor/subcontractor from the Site, or portion(s) of the Site, shut down any sampling operation, if he believes a health or safety hazard exists that has not been adequately addressed by the HSP.
2. Deny unauthorized personnel access to those portions of the Site where SOMA staff and/or subcontractors are involved in sampling activities.
3. Require that any SOMA worker, including the subcontractors' personnel, obtain immediate medical attention.

5.0 HAZARD ANALYSIS

Potential chemical and physical safety hazards associated with the planned activities outlined in Section 3.0 include the following:

- | | |
|-------------------|---|
| Chemical hazards: | <ul style="list-style-type: none">• respiratory |
| Physical hazards: | <ul style="list-style-type: none">• heavy equipment• noise• falling equipment and supplies• fire |

Chemical hazards are attributable primarily to residual lead in soil that remain in on-site due to the weathering of lead-based paints that were applied to the residential buildings on-site. Physical hazards arise from the proposed sampling activities that are planned for the Site (i.e., working in proximity to heavy equipment).

5.1 Chemical Hazards

Based on previous investigations and activities at the Site, residual lead in soils represents the primary source of potential health hazard.

5.1.1 Highest Detected Concentrations

The highest lead concentration reportedly detected in on-site soils is 2634 mg/kg. This concentration of lead was found in a composite sample that was collected along the drip line of the west side of the former house that stood on the property by KELLCO. The house was demolished in October 1995. The highest concentration found by SOMA was 380 mg/kg at SB-9 in September 1996.

5.1.2 Exposure Pathways of Concern

Based on the proposed field activities, the primary potential exposure pathway of concern for lead in soil is inhalation. To minimize inhalation hazards, fugitive dust action levels shall be observed during planned field activities. The action level for lead in fugitive dust during the planned field activities is presented in Section 6.3.

5.1.3 Description of Chemicals

The following chemical description for lead includes physical recognition characteristics, effects of short-term, acute exposures, and the Time-Weighted Average (TWA) over an eight-hour period for the PEL (OSHA Standard 29 CFR 1910.1000).

Lead (inorganic) is a bluish-white, silver, or grey odorless solid.

Short-term exposure to lead can cause decreased appetite, insomnia, headaches, muscle and joint pain, colic, and constipation.

The PEL for lead is 0.05 mg/m³. California Occupational Safety and Health Administration (Cal OSHA) has identified an action level for an 8-hour time-weighted average concentration of 0.03 ug/m³.

5.2 Physical Hazards

The use of heavy equipment for the planned field activities and the nature of the planned field activities pose potential physical hazards at the Site. Heat stress is not considered a significant hazard for the planned activities; the activities are scheduled to be performed during the Winter season and no heavy respiratory gear is required. However, the OHSC will monitor field personnel for signs of heat stress and take appropriate actions, as necessary (e.g., increased work breaks and fluid consumption), if heat stress symptoms are observed. Section 5.0 presents a complete list of physical hazards. Work procedures to protect workers from chemical and physical hazards are discussed in Section 6.0.

6.0 WORK REQUIREMENTS

6.1 Respiratory Protection

The primary potential route of exposure to residual lead in on-site soil is inhalation of fugitive dust that may contain lead. Because the soil type is principally clayey in nature, the generation of dust is not anticipated to be a problem. In addition, rain has fallen during the past several weeks. The most recent was on Wednesday and Thursday of last week. On-site soils are still wet from the rains. Airborne dust is not anticipated to be in evidence. SOMA and subcontractor personnel will not be required to wear respiratory protective equipment in work areas, and may conduct work using Level D respiratory protection.

Inhalation hazards due to fugitive dust will be monitored visually. If visible dust levels are encountered during soil excavation or sampling activities, work shall be temporarily stopped and water will be used for dust control to prevent the generation of dust. If dust problems continue, a temporary stop work will be observed, and the SOMA Corporate Health and Safety Officer shall be notified immediately.

6.2 Personal Protective Equipment

Unless adequate precautions are taken, lead may contact the skin or clothing. By itself, lead dust in contact with the skin or clothing does not present a significant hazard; however, it may represent a secondary source for respiratory exposure. To protect against such potential exposures and the physical hazards listed in Section 5.0, the following personal protective equipment may be worn by all personnel engaged in the work activities described in Section 3.0 while on site:

- Hard hat
- Steel-toed, steel-shank boots (14 inches minimum height) or an equivalent work boot if the individual is not directly engaged in the drilling operations
- Latex inner and nitrile outer gloves or equivalent work gloves
- Uncoated-Tyvek coveralls, cotton coveralls or dedicated work clothing

6.3 Action Levels

The OHSC shall impose a temporary stop work order and contact the SOMA Corporate Health and Safety Officer immediately if the following conditions are observed, or if the OHSC believes other conditions exist that may pose a significant threat to personnel at the Site:

- Uncontrolled visible dust generation
- Changes in the general health profile of on-site personnel, including symptoms discussed in Section 5.1.3.

Action levels for inhalation of lead-contaminated fugitive dust has been calculated by dividing the PEL for lead (0.05 mg/m³ for lead) by the highest detected soil concentrations (2634 ppm; see Section 5.1.1) and halving the result. This method was felt to be conservative since the method assumes inhalation of total dust regardless of particle size and the use of the highest detected concentration of lead to characterize average soil concentrations of lead. The calculated action level for fugitive dust at the Site is 9.0 mg/m³ for lead (Table 1).

TABLE 1. Respiratory Dust Hazard Evaluation

Highest Observed Lead Concentration (mg/kg)	Threshold Limit Value ⁽¹⁾ (mg/m ³)	Permissible Exposure Limit ⁽²⁾ (PEL) (mg/m ³)	Equivalent Action Level ⁽³⁾ (mg/m ³)
2634	0.15	0.05	9.0

(1) 1991-1992 Threshold Limit Values, ACGIH, 1991.

(2) NIOSH Pocket Guide to Chemical Hazards, U.S. Department of Health and Human Services, June 1990

(3) Action level is calculated as one-half the PEL assuming all exposure to airborne dust is at the maximum observed on-site lead concentration of 3,200 ppm in soil.

To place these action levels into context, the Threshold Limit Value (TLV) for nuisance dust, 10 mg/m³, is indicative of extremely dusty conditions associated with greatly impaired visibility. The lead fugitive dust action level represents dust at levels that are distinctly visible; therefore, the visual identification of the action level should be uncomplicated and easily recognizable. A respirable dust meter will not be necessary to monitor lead-affected dust levels at these action levels.

6.4 Protection Against Physical Hazards

6.4.1 Noise

Noise results primarily from excavation equipment, and other machinery. Workers will wear ear plugs when operating heavy machinery.

6.4.2 Heavy Equipment

All relevant requirements pursuant to 29 CFR 1926.602 and Subpart W, Rollover Protective Structures; Overhead Protection, shall be observed during the course of excavation and earth moving activities. These requirements include but are not limited to the use of seat belts for all earth moving equipment equipped with roll-over protection structures (ROPS) or adequate canopy protection; the installation and proper functioning of service braking systems capable of stopping and holding the equipment fully loaded; roll-over protection structures; the installation and functioning of audible alarms, prevention of obstructed views to the rear from the driver's seat; and the requirement for audible alarms on vehicles that have obstructed views to the rear when using reverse gear.

All field personnel not directly involved in the excavation-related activities will maintain safe distances from areas where heavy equipment are in use. Unauthorized visitors will not be permitted near areas where heavy equipment are in use.

6.4.3 General Safety

SOMA and subcontractor personnel will wear approved head protection while working around heavy equipment at the Site. A first aid kit including at least four 32-ounce bottles of eye wash solution will be kept on site during the field activities. Fire hydrants, electrical and underground lines and pipes will be identified before excavation operations begin. A 10-pound fire extinguisher, designated for Type ABC classed fires, will be kept on site near ongoing work activities for the duration of the project.

6.5 Work Area Definition

Exclusion zones will not be required for the completion of field work. The Site is completely fenced and site access can be controlled to prevent unauthorized entry. No-smoking restrictions will be applied in all areas where active excavation work is being conducted.

In addition, no drinking, eating or smoking will be allowed in the work areas, and personnel will wash their hands before conducting these activities on their breaks.

6.6 Entry Procedure

At a minimum, all visitors entering the Site work area must wear the protective clothing and equipment worn by SOMA and subcontractor personnel, or equivalent personnel protective gear. Permission to approach work areas must be obtained from at least one of the personnel named in Section 4.0, Site Safety Responsibilities. Visitor's name and purpose of visit will be recorded in the field notes.

6.7 Decontamination Procedures

A formal decontamination zone will not be required. An area where all field personnel will remove their personal protective equipment will be identified by the OHSC. All field personnel will remove their protective equipment at that designated location. It is recommended that a shower be taken at the end of the work day upon reaching one's residence.

Disposable gloves, coveralls, and other disposable clothing or equipment worn by SOMA and subcontractor personnel will be placed in a suitable disposal container on site at the end of each work day. Protective clothing and equipment will be replaced if their protective function is compromised through holes or tears. Equipment that comes in contact with on-site soils will be appropriately cleaned.

7.0 RECORDING OF HEALTH AND SAFETY PROCEDURES

The OHSC will record field observations of health and safety procedures followed by workers during the planned activities outlined in Section 3.0, including any deviations from the recommended health and safety procedures.

8.0 MEDICAL MONITORING

All SOMA personnel who use or may come in contact with hazardous materials will undergo compulsory routine medical surveillance. All subcontractor employees will be responsible for meeting all training and medical monitoring requirements associated with this project. The SOMA medical monitoring program includes the following:

- A one-time baseline medical history and physical exam, chest X-ray, pulmonary function test, audiogram, EKG, CBC, chemistry panel, and urinalysis.
- Annual medical examination.
- Exit physical examination upon termination of employment.

9.0 EMERGENCY PROCEDURES

9.1 General Injury

- Step 1: Use first aid kit on site, if appropriate.
- Step 2: Use off-site medical help and/or assistance if appropriate.
- Step 3: Notify OHSC, Project Manager, and Corporate Health and Safety Officer.

9.2 Specific Treatments

- Eye Exposure: Flush eye with eye wash, contact ambulance.
- Fire (localized): Use fire extinguisher and activate alarm system, if appropriate.
- Fire (uncontrolled): Call Fire Department.
- Chemical Spill: Contact Fire Department and National Response Center for Toxic Chemical and Oil Spills.
- Explosion: Contact Fire Department if potential for additional explosions or fire danger exists.
- Inhalation: Move person to clean air and cover source of chemicals, if possible.
- Accidental Swallowing or Ingestion of Lead-Affected Materials: Contact ambulance service.

9.3 Emergency Phone Numbers

Medical/General Emergency Services

Fire Department	911
Ambulance	911
Police Department	911
Alta Bates Hospital	(510) 204-1303
Intersection of Ashby Avenue and Colby Street Berkeley, California	

Figure 1 shows the route to the hospital and includes written directions.

Hazardous Materials Release Response/Reporting

National Response Center	1-800-424-8802
California Office of Emergency Services	1-800-852-7550

- A one-time baseline medical history and physical exam, chest X-ray, pulmonary function test, audiogram, EKG, CBC, chemistry panel, and urinalysis.
- Annual medical examination.
- Exit physical examination upon termination of employment.

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Fire Department	911
Ambulance	911
Police Department	911
Alta Bates Hospital (510) 204-1303 Intersection of Ashby Avenue and Colby Street Berkeley, California	

Figure 1 shows the route to the hospital and includes written directions.

Hazardous Materials Release Response/Reporting

National Response Center	1-800-424-8802
California Office of Emergency Services	1-800-852-7550

Toxics Information

Poison Control Center 1-415-476-6600

9.4 Accident Reporting Procedures

Immediately contact the following:

Dr. Norman Ozaki (SOMA) 1-510-654-3900

Mr. Glenn Leong (SOMA) 1-510-654-3900

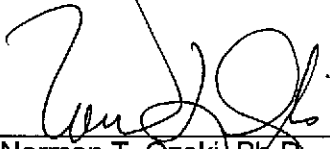
10.0 TRAINING PROGRAM

1. The SOMA OHSC shall have fulfilled all appropriate training requirements indicated by 29 CFR 1910.120 (e), including the 40-hour training requirement and required supervisory and refresher courses.
2. A tailgate session will be held prior to commencing field activities to discuss this HSP. All SOMA personnel and contractor/subcontractor employees shall receive, at a minimum, the following information:
 - The names of personnel and alternates responsible for site safety and health.
 - Safety, health, and other hazards at the Site.
 - All components of this HSP.
 - Instruction for use of personal protective equipment.
 - Action levels.
 - Employee work practices to minimize risks from on-site hazards.
 - Instruction for safe use of engineering controls and equipment on the Site.
 - Site control measures.
 - Emergency plans.

11.0 SIGNATURES

11.1 SOMA Personnel

This HSP for the property at 1258 64th Street, Emeryville, California is approved by the following SOMA personnel:



Norman T. Ozaki, Ph.D.
Corporate Health & Safety Officer

12/16/96

Date

11.2 Contractor and Subcontractor Personnel

Contractor and Subcontractor Agreements:

1. Contractor certifies that the following personnel to be employed on the project at 959 Sky Way in San Carlos, California, have met the Training and Protection requirements of the OSHA Hazardous Waste Operator Standard (29 CFR 1910.120) and other applicable standards.

2. Contractor certifies that, in addition to meeting the OSHA requirements, he/she has received a copy of this HSP and will insure that the employees and subcontractors of the Contractor are informed, and will comply with both OSHA requirements and the guidelines in this HSP.

3. Contractor further certifies that he/she has read, understands, and will comply with all provisions of this HSP and will not hold SOMA responsible or liable for any injury or health problems that may occur.

Name	Training/ Certification	Signature	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____

JOB SAFETY & HEALTH PROTECTION

The Occupational Safety and Health Act of 1970 provides job safety and health protection for workers by promoting safe and healthful working conditions throughout the Nation. Requirements of the Act include the following:

Employers

All employers must furnish to employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to employees. Employers must comply with occupational safety and health standards issued under the Act.

Employees

Employees must comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to their own actions and conduct on the job.

The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor has the primary responsibility for administering the Act. OSHA issues occupational safety and health standards, and its Compliance Safety and Health Officers conduct jobsite inspections to help ensure compliance with the Act.

Inspection

The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the OSHA inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the OSHA Compliance Officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

Complaint

Employees or their representatives have the right to file a complaint with the nearest OSHA office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. OSHA will withhold, on request, names of employees complaining.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or for otherwise exercising their rights under the Act.

Employees who believe they have been discriminated against may file a complaint with their nearest OSHA office within 30 days of the alleged discrimination.

Citation

If upon inspection OSHA believes an employer has violated the Act, a citation alleging such violations will be issued to the employer. Each

citation will specify a time period within which the alleged violation must be corrected.

The OSHA citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

Proposed Penalty

The Act provides for mandatory penalties against employers of up to \$1,000 for each serious violation and for optional penalties of up to \$1,000 for each nonserious violation. Penalties of up to \$1,000 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$10,000 for each such violation.

Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

Voluntary Activity

While providing penalties for violations, the Act also encourages efforts by labor and management, before an OSHA inspection, to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries. OSHA's Voluntary Protection Programs recognize outstanding efforts of this nature.

Such voluntary action should initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. There are many public and private organizations that can provide information and assistance in this effort, if requested. Also, your local OSHA office can provide considerable help and advice on solving safety and health problems or can refer you to other sources for help such as training.

Consultation

Free consultative assistance, without citation or penalty, is available to employers, on request, through OSHA supported programs in most State departments of labor or health.


More Information

Additional information and copies of the Act, specific OSHA safety and health standards, and other applicable regulations may be obtained from your employer or from the nearest OSHA Regional Office in the following locations:

Atlanta, Georgia
Boston, Massachusetts
Chicago, Illinois
Dallas, Texas
Denver, Colorado
Kansas City, Missouri
New York, New York
Philadelphia, Pennsylvania
San Francisco, California
Seattle, Washington

Telephone numbers for these offices, and additional area office locations, are listed in the telephone directory under the United States Department of Labor in the United States Government listing.

Washington, D.C.
1985
OSHA 2203



William E. Brock, Secretary of Labor

U.S. Department of Labor
Occupational Safety and Health Administration



EMERGENCY ROOM
Alta Bates Hospital
(510) 204-1303
2450 Ashby Ave
between College and Telegraph Aves

Park Blvd.
Exit
(off 580 Hayward)

TRAUMA CENTER
Highland Hospital
(510) 437-4555
1411 East 31st
between 13th and 14th Aves.

