

Overview

- Initial Approval: May 1, 1973 (38 FR 10717)
- State Plan Certification: August 19, 1977 (42 FR 41858)
- Operational Status Agreement: July 12, 1990 (55 FR 28613), amended June 9, 2000 (65 FR 36622); new agreement June 2, 2017 (82 FR 25631)

The Department of Industrial Relations (DIR) administers the California State Plan through Cal/OSHA. The main office is located in Oakland.

Coverage

The California State Plan covers all private sector places of employment within the state with the following exceptions:

1. Maritime employment (except marine construction, which the State Plan covers on bridges and onshore) on the navigable waters of the United States (U.S.) which includes:¹
 - longshore operations on all vessels from the shore side of the means of access to vessels;
 - shipbuilding, shipbreaking, and ship repair on vessels afloat;
 - shipbuilding, shipbreaking, and ship repair in graving docks or dry docks, and ship repair and shipbreaking done on marine railways or similar conveyances used to haul vessels out of the water, including ship repair activities from a scaffold or other equipment adjacent to the ship that allows workers direct access to perform work on the vessel;
 - all floating fuel operations;
 - diving from vessels afloat on the navigable waters;
2. Private sector employers within the borders of all United States military installations;
3. Private sector employers within the borders of U.S. national parks, national monuments, national memorials, and national recreation areas such as: Kings Canyon National Park, Lassen Volcanic National Park, Redwood National Park, Sequoia National Park, Yosemite National Park, Cabrillo National Monument, Port Chicago Naval Magazine, and the Golden Gate National Recreation Area which includes: Alcatraz Island, Fort Mason, Fort Barry, Fort Baker, Fort Cronkhite, Presidio of San Francisco (including San Francisco National Cemetery), Baker Beach, Battery Chamberlin, Crissy Airfield, and Fort Point National Historic Site;
4. Private sector and tribal employers within the borders of all U.S. government- recognized Native American reservations and trust lands;
5. Contract workers and contractor-operated facilities engaged in United States Postal Service mail operations; and
6. All working conditions of aircraft cabin crewmembers onboard aircraft in operation.

The California State Plan also applies to state and local government employers. It does not apply to federal government employers including the United States Postal Service. Federal OSHA covers the issues not covered by the California State Plan. In addition, Federal OSHA retains enforcement of the anti-retaliation provision of the Occupational Safety and Health Act of 1970, Section 11(c), 29 USC 660(c), with respect to the private sector. Cal/OSHA also investigates private and state and local government workplace retaliation cases under a provision analogous to Section 11(c).

Federal OSHA retains the right to exercise concurrent federal authority to inspect any establishment and take appropriate enforcement action, without notice to the employer, when the establishment has refused entry to the State Plan and the State Plan is unable to obtain a warrant to enforce the right of entry. The State Plan advises the OSHA Regional Office of each instance of its inability to obtain a warrant to gain entry to a workplace. The OSHA Regional Office will make a determination as to the appropriate federal action and will notify the State Plan in writing of this determination and the ultimate action taken.

Federal OSHA also retains the right to exercise concurrent federal authority to inspect and take appropriate enforcement action in extraordinary circumstances, when the State Plan is not able to fully or effectively exercise its enforcement authority. Examples of such circumstances include: a substantial, temporary reduction of State Plan resources or staff, legal limitations on State Plan enforcement authority, worksites which lie within more than one State Plan, State Plan inability to enforce effectively a particular standard, or interference with State Plan enforcement due to natural or man-made disasters or emergencies. Such circumstances may call for a limited resumption of federal enforcement authority which may occur at the State Plan's request or upon Federal OSHA's determination after consideration of all relevant factors and after discussion with the State Plan.

Federal OSHA also retains the right to exercise concurrent federal authority to inspect and take appropriate enforcement action at an entire project or facility where federal and state authorities both have enforcement authority in the interest of administrative practicability. Federal enforcement may be exercised immediately upon agreement between federal and state. A brief summary of the California State Plan is included in the Code of Federal Regulations at 29 CFR 1952.7. Federal OSHA retains the authority to promulgate, modify, or revoke occupational safety and health standards under Section 6 of the OSH Act. In the event that Federal OSHA resumes enforcement, those federal standards will be enforced. Federal OSHA also retains the authority to monitor the State Plan under Section 18(f) of the OSH Act.

State Plan Standards

Cal/OSHA has adopted occupational safety and health standards which are at least as effective as Federal OSHA standards. Cal/OSHA has also adopted the following unique standards:

- Toxic Chemical Handling and Exposure
- Agriculture
- Repetitive Motion Injuries
- Child Labor
- Heat Exposure
- Noise Exposure
- Injury and Illness Prevention Program
- Aerosol Transmissible Diseases
- Petroleum Drilling and Production
- Petroleum Refining, Transport, and Handling
- Workplace Violence Prevention in Health Care

Enforcement Programs

Cal/OSHA, a part of DIR, implements the California State Plan's enforcement and consultation. Cal/OSHA utilizes the Division of Labor Standards Enforcement (DLSE)'s Policies and Interpretations Manual to provide guidance for the enforcement program. Compliance officers inspect workplaces for hazardous conditions and issue citations and orders where violations are identified. Inspections may be the result of regular scheduling, imminent danger reports, fatalities, and worker complaints or referrals. DLSE enforces the law prohibiting retaliation for occupational safety or health activity. More information on enforcement can be found on the California State Plan website.

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.

¹ Navigable waters of the United States are state territorial seas (waters which extend three nautical miles from the general coastline, the line of ordinary high water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of U.S. inland waters) and U.S. inland waters (e.g., rivers, tributaries, lakes, bays, and sounds shoreward of the territorial sea baseline) that are subject to tidal influence or have been used for interstate or foreign commerce.

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Disclaimer

OSHA makes every effort to ensure that this webpage is accurate and up-to-date; however, for the latest information please contact the State Plan directly.

UNITED STATES DEPARTMENT OF LABOR

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