

# KEY CAL/OSHA STANDARDS THAT APPLY TO SCHOOLS



Below are some key Cal/OSHA standards that apply to schools:

## A. INJURY AND ILLNESS PREVENTION PROGRAM STANDARD (Title 8 California Code of Regulations (CCR) § 3203 and § 1509)

This standard requires every California employer to have a written, effective Injury and Illness Prevention Program (IIPP) to promote health and safety in the workplace.

Every covered workplace must have the following measures in place to meet these requirements:

- Someone who is responsible for the program.
- A system for making sure workers comply with safety rules and procedures.
- A system to communicate with workers on health and safety matters, which must include a way for workers to report unsafe conditions without fear of reprisal.
- A system to identify unsafe or unhealthful conditions. This must include regular inspections of the worksite. Supervisors must be informed of any problems found.
- A system to investigate any job-related injuries and illnesses that occur.
- A system to correct hazards in a timely manner.
- Training for workers about the specific hazards on their jobs before they start work and every time a new hazard is introduced. Training must be in a form readily understandable by all workers.
- A written document describing the IIPP. Workplaces with fewer than 10 employees are exempt from some documentation requirements.

## B. HAZARD COMMUNICATION STANDARD (Title 8 California Code of Regulations (CCR) § 5194)

This Cal/OSHA standard gives employees the right to information about the chemicals and other hazardous substances they may be exposed to at work.

The Hazard Communication Standard requires employers to do the following things:

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- Make an inventory of all the chemicals used or stored at the workplace.
- Make sure chemical products on site are labeled.
- Obtain and make available to employees copies of Safety Data Sheets (SDSs) on the chemical products used or stored at the workplace. SDSs describe health effects, hazard information, appropriate protections and what to do in an emergency.
- Provide training to employees about these chemicals in a language and manner they can understand.

Employers are also required to describe in writing the elements of the workplace's hazard communication program and how the workplace will comply with this Cal/OSHA standard. This written program must be available at the worksite and communicated to all affected workers.



### C. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES CAL/OSHA FORM 300 (Title 8 California Code of Regulations (CCR) § 14300.2)

Schools are partially exempt from keeping Cal/OSHA injury and illness records. Schools do not have to use Cal/OSHA Form 300. Schools, however, must report to Cal/OSHA any workplace incident that results in a serious injury or illness, or death. Also, schools may be asked to participate in an annual OSHA survey or to provide data to the Bureau of Labor Statistics.

### D. THE LEAD IN CONSTRUCTION STANDARD (Title 8 California Code of Regulations (CCR) § 1532.1) and EPA Regulations on lead in schools

Lead-based paint was banned from all California schools built or renovated on or after January 1, 1993, by the Lead-Safe Schools Protection Act. Buildings built before January 1, 1993 (unless tested and shown otherwise) should be assumed to have lead-based paint and handled in a lead-safe manner, as required by Cal/OSHA's Lead in Construction Standard. The older the building, the more likely it is to contain paint with high levels of lead. Until the mid-1950s, paint contained as much as 50% lead.



### THE LEAD IN CONSTRUCTION STANDARD (continued from previous page)

Generally speaking, maintenance and operations employees can handle very small repair jobs that disturb lead paint, provided they follow lead-safe work practices. These practices include continually wetting the area with a spray bottle while doing the work to keep lead dust down and protecting the ground and other surfaces from paint dust and chips by putting down plastic sheeting and then cleaning up thoroughly afterwards. All other jobs, including major renovations and lead abatement jobs, must be conducted by specially trained California Department of Public Health-certified lead workers.

Please note that the federal law, Renovation and Remodeling Painting Rule, administered by the US EPA and amended several times through 2016, further regulates schools undergoing renovation. The Rule requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in home, child care facilities and pre-schools built before 1978 have their firm certified by EPA (or an EPA authorized state), use certified renovators who are trained by EPA- approved training providers and follow lead-safe work practices.

For more information about requirements regarding lead in schools, go to: <http://www.cdph.ca.gov/programs/CLPPB/Pages/default.aspx>, [http://www.dir.ca.gov/dosh/dosh\\_publications/lead-fct-sheet-rev.pdf](http://www.dir.ca.gov/dosh/dosh_publications/lead-fct-sheet-rev.pdf) or <https://www.epa.gov/lead/renovation-repair-and-painting-program>

Some schools also may have lead in the drinking water. The EPA recommends that schools periodically test their drinking water for lead. The best time to test is first thing in the morning after a weekend (that is, when the water has not been running).

If high levels of lead are found in the drinking water (15 parts or more of lead per billion parts of water), the faucet should either not be used or should be flushed daily to reduce the lead levels. EPA guidelines recommend that flushing be done daily — each morning before school starts. This should continue until a plan for permanently reducing lead to below 15 ppb has been put in place. For more information about lead in drinking water, contact your local water district or the Department of Public Health, Division of Drinking Water and Environmental Management: [http://www.waterboards.ca.gov/drinking\\_water/programs/](http://www.waterboards.ca.gov/drinking_water/programs/)



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### E. BLOODBORNE PATHOGENS STANDARD

(Title 8 California Code of Regulations (CCR) § 5193)

Bloodborne pathogens are organisms that can cause disease. They are primarily viruses and are called “bloodborne” because they are carried in blood and other body fluids. The Cal/OSHA Bloodborne Pathogens standard requires employers to make available the Hepatitis B vaccine to all employees who have “occupational exposure” to bloodborne pathogens. Occupational exposure is defined as any “reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or potentially infectious materials that may result from the performance of an employee’s duties.” Examples of school job classifications in which employees may experience occupational exposure include nurses and health aides, playground supervisors, school bus drivers, teachers, paraeducators and custodians. These employees are potentially occupationally exposed because they may provide first aid or, in the case of custodial staff, may clean up spills or equipment that is contaminated.

School staff who are potentially occupationally exposed to bloodborne pathogens must be provided with training so they learn how to avoid getting exposed, be given personal protective equipment such as gloves or masks, and offered a Hepatitis B vaccine. Those having contact with blood or other bodily fluids should wear disposable gloves, wash their hands with soap and water, and disinfect any equipment or work areas that are affected.

### F. AEROSOL TRANSMISSIBLE DISEASES

(Title 8 CCR § 5199)

Schools that have health care or public health operations (such as a school nurse) should determine whether employees in those operations come under California’s Aerosol Transmissible Diseases (ATD) Standard. ATDs are diseases or pathogens for which droplet or airborne precautions are required. Examples of ATDs include Severe Acute Respiratory Syndrome (SARS), influenza, tuberculosis, and pertussis. School districts should evaluate whether the nurse has “occupational exposure” due to activities such as providing nursing services (including initial assessment) to people who may be sick or who are at increased risk of having an ATD. However, if a nurse’s job only consists of administrative duties, such as reviewing student medical records, that nurse may not have occupational exposure and therefore is not covered by the standard. This exposure assessment should be documented by the school district. For nurses with occupational exposure, school districts need to develop written infection control procedures, designate a responsible person, and set out a plan that includes, among other things, medical services, training, record keeping, and, if applicable, respirator use.



### G. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS STANDARD (Title 8 CCR §3204 and §340.1)

The Cal/OSHA standard, Title 8 CCR §3204, gives employees the right to see and copy certain records kept by their employer. These records include:

- Records of any workplace exposure monitoring that has been done (for example, personal air sampling results).
- Employees' own medical records if the employer has them.

This standard does not require the employer to do any air sampling or medical tests (although other Cal/OSHA standards, such as the Lead in Construction standard, do). It does require employers to give workers access to these records if they exist.

Employers must keep exposure and medical records for 30 years after the worker leaves the job. The records of people who worked for the employer less than one year do not need to be kept after they leave.

A related Cal/OSHA standard, Title 8 CCR §340.1, requires that the employer notify workers and their representatives in advance of planned testing for workplace exposure if that testing is required by Cal/OSHA standards. The employer must provide them with the opportunity to observe the testing when it is done. The results must be provided to workers within five working days after the employer gets the results back from the lab.

### H. THE RIGHT TO REFUSE HAZARDOUS WORK (California Labor Code § 6311)

Ideally, a workplace will have a safety system to make sure that workers are never called on to perform an unsafe act. But, if workers are ever asked to do job tasks that they believe might lead to death or serious injury, they can and should refuse to do that work. However, Cal/OSHA only protects them against punishment if certain conditions are met:

- Doing the work could expose them to a "real and apparent" hazard that could result in injury or death.
- They first ask their employer or supervisor to eliminate the hazard.
- There is not enough time to correct the problem through normal Cal/OSHA enforcement procedures.
- They inform the employer that they are willing to perform other work until the hazard is eliminated.

If all of these conditions are met and workers are punished for refusing to do work they believe is especially dangerous, they can file a complaint with the Labor Commissioner (Division of Labor Standards Enforcement).

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### I. THE RIGHT NOT TO BE PUNISHED FOR EXERCISING THE RIGHT TO A SAFE WORKPLACE (California Labor Code § 6310)

Employers may not punish workers in any way - including firing, demoting, discriminating or any other form of retaliation - for exercising their right to a safe workplace. Examples of protected activities include complaining to Cal/OSHA, seeking a Cal/OSHA inspection, participating in a Cal/OSHA inspection, and participating or testifying in any proceeding related to a Cal/OSHA inspection.

If a worker is disciplined, transferred, fired, laid off, demoted, or in any other way retaliated against for speaking up about health and safety, he or she can file a complaint within 6 months of the adverse action with the State Labor Commissioner's office (Division of Labor Standards Enforcement). A person filing a complaint of discrimination or retaliation will be required to show that he or she engaged in a protected activity, the employer knew about that activity, the employer punished him or her, and the activity contributed to the adverse action.

Additional training requirements can be found at:

[http://www.dir.ca.gov/dosh/dosh\\_publications/TrainingReq.htm](http://www.dir.ca.gov/dosh/dosh_publications/TrainingReq.htm)

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