



Employment Training Panel

Memorandum

To: ETP Policy Committee
Gretchen Newsom, Chairperson
Rebecca Bettencourt, Member
Rick Smiles, Member

Date: October 26,
2023

CC: Executive Staff
Peter Cooper, Assistant Director & Acting Executive Director
Jaime Gutierrez, Chief Deputy Director
Tara Armstrong, Deputy Director

From: Jana Lazarewicz, Northern California District Manager

Subject: ETP Policy Committee Meeting Agenda Item: OSHA Mandated Training

I. Brief Issue Statement:

ETP Regulation 4420.5(a) states that ETP shall not fund general training required by the state or federal Occupational Safety and Health Administration (Cal-OSHA or OSHA) for the operation of a business in California. Recently, Panel members have raised concerns about several proposals listing Cal-OSHA mandated training topics in the curriculum, which would be in conflict with Regulation 4420.5(a). This item is being brought to Policy Committee to: (1) discuss general training topics required by OSHA for business operation in California and (2) create a list of ETP excluded training courses for staff and external stakeholder reference.

II. Background Information:

ETP Regulation 4420.5 states:

(a) The Panel shall not fund general training required by the state or federal Occupational Safety and Health Administration (Cal-OSHA or OSHA) for the operation of a business in California. (See General Industry Safety Orders at Title 8, California Code of Regulations Chapter 3.2).

(Note: ETP Regulation 4420.5(a) needs to be updated. The Orders are no longer in Chapter 3.2 of CCR Title 8, they are now Chapter 4, subdivision 8. In addition, they do not provide additional information on general training required by Cal-OSHA or OSHA for the operation of a business in California.)

(b) In addition, the Panel shall not fund any other general safety training such as injury and illness prevention, emergency action, evacuation, fire prevention plans, and access to first aid.

(c) The Panel may fund special safety training that is directly related to a piece of equipment or process recently acquired, or that an employee is not familiar with. However, this training cannot exceed 10% of the total training hours per trainee, except with prior written approval upon a showing of good cause.

(d) Some occupations, by the very nature of the work, require intensive skills training in safety procedures. For example, a training curriculum for workers engaged in environmental clean-up and oil/gas extraction might include a concentration of safety procedures. This type of safety training is not subject to the restrictions herein.

OSHA 10/30 and Cal-OSHA Differences:

OSHA 10/30 Training: Trainings that provide the trainee with a certification, transferable skills, and expands employment opportunities. Other similar trainings include HAZMAT and HAZWOPER.

Cal-OSHA Training: Trainings that are industry specific to a company's site and are required to be taken by all California employees.

State plans often have programs promoting worker safety and health, which aren't required by federal OSHA regulations. State plans, such as Cal-OSHA, function as primary jurisdiction over all workplaces within the state, provided federal OSHA has authorized them. As a result, Cal-OSHA takes precedence over federal OSHA in regulating health and safety procedures at all California businesses.

Department of Industrial Relations:

California's Department of Industrial Relations (DIR), Division of Occupational Safety and Health oversees the Cal-OSHA program and provides consulting assistance to employers.

According to DIR, safety training will vary depending on the specific industry but an Injury and Illness Prevention Program (IIPP) must be completed by all California businesses.

DIR classifies a business as either a Non-High Hazard Employer or High Hazard Employer. It is from this distinction that businesses will complete their IIPP using one of DIR's fillable templates (*Model Injury and Illness Prevention Program for High Hazard Employers* template or *Model Injury and Illness Prevention Program for Non-High Hazard Employers* template).

DIR keeps and maintains a list of High Hazard Industries that can be located on their website.

Both High Hazard Employer and Non-High Hazard Employer IIPP templates provide a list general workplace safety and health practices in the Training and Instruction section of the document.

III. Discussion Points

To remain in compliance with Regulation 4420.5, ETP would like to (1) identify general training topics required by OSHA for business operation in California and (2) create a list of ETP excluded training courses for staff and external stakeholder reference.

In reviewing the Training and Instruction sections of both IIPP templates and ETP Regulation 4420.5, ETP suggests the following courses are designated as mandatory safety training courses excluded to receive ETP funds:

- Confined Spaces
- Emergency Action
- Ergonomics
- Evacuation Plan
- Fire Extinguisher Training
- Fire Prevention Plan
- First Aid/Medical Services
- Hand Washing
- Hazard Communication/Information
- Heat Illness Prevention Program
- Injury and Illness Prevention Program
- Personal Protective Equipment
- Proper Housekeeping
- Proper Lifting Techniques
- Proper Storage of Goods
- Proper Use of Office Equipment
- Reporting Unsafe Conditions, Work Practices, Injuries
- Storage and Handling of Toxic and Hazardous Substances

Possible Future Discussion Items:

Review of other state mandated trainings (i.e. sexual harassment, violence in the workplace, etc.)

IV. Recommendation

No action items beyond soliciting and receiving any feedback from the Policy Committee, contractors, stakeholders, and public concerning the list of mandated safety training courses excluded to receive ETP funds.