

PUNCH LIST

SOUTHERN CALIFORNIA

SCCBA

BUILDERS ASSOCIATION

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Material Safety Data Sheets

by Shirley Caraveo, M.S. Safety

The Material Safety Data Sheet (MSDS) is a guide which provides information you need to work safely with chemicals. It is required to be in English but may be kept in other languages as well.

Here is an outline of the information which will be found on Material Safety Data Sheets, as defined in Cal/OSHA regulation 5194, the Hazard Communication Standard. MSDSs must include the following:

- (A) The identity of the substance used on the label and what is contained within it (with an accompanying CAS number), except for trade secrets.
- (B) Physical and chemical properties of the hazardous substance (such as vapor pressure, flash point);

- (C) The physical hazards of the hazardous substance, including the potential for fire, explosion, and reactivity with other chemicals;
- (D) The health hazards of the hazardous substance, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the substance;
- (E) The potential route(s) of entry; mostly ingesting and inhaling, but some skin absorption.
- (F) The OSHA permissible exposure limit, ACGIH Threshold Limit Value, and any other exposure limit used or recommended by the manufacturer, importer, or employer preparing the material safety data sheet, where available.

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Ask the Code Consultant

By Chuck Daleo

Q: Does the State Energy Code override the State Building Code?

Sharon G.

First off, I am not an expert on the Energy Code. It has just gotten too out of control that I can't keep up with it. The State energy Commission (CEC) continues to dream up new ways to "save" energy and the ways must be incorporated into a design.

To give you an idea of what I'm talking about and this is a true story.

Years ago when I was the Building Official, I assigned one of my plan checkers to develop a standard sketch for room additions. We showed 5/8" drywall for the interior face of an exterior wall. We submitted the sketch to the CEC for its review and it was rejected!

The reason? One of the State boneheads had rounded 5/8" to 0.83" and because 5/8" (0.625") was less than 0.63" our plan did not comply.

I responded back that we would still use 5/8" and that he needed to change his decision. He then threatened that the CEC would henceforth make the energy inspections for our city. I said "Fine! I will send him the inspection requests and that he must make the inspections the very next day!"

That made him rethink his position.

Ok - back to the question at hand.

The Energy Code is part of the Building Code. This means that both apply. Usually, when there is a discrepancy, the most restrictive provision applies.

So, does the Energy Code override the Building Code? No, because it is a part of the Building Code.

Q: I'm rebuilding a stairway in an office building. Do I have to follow the new Code?

Pete G.

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Fax your questions to the Code Consultant (Chuck Daleo) at (626)330-5171. To the SCBA members— The SCBA has retained me to be available to answer timely code-related questions that occur during the course of construction, whether in the plan check or building stages. Remember, there is no cost to the members for this services. Because I could be in a meeting when you call my cell phone, you may also call me at my office (626)369-1228 and leave me a message. I retrieve my messages from the field when I am done with my meeting and I call as soon as I am able. Here are a few examples with which I have tried to help:

Ask the Code Consultant

What John meant was did he have to follow all requirements of the new Code.

The short answer is YES!

The conditions are that the existing stairway had deteriorated to such a state that it was found to be unsafe by a building inspector that had responded to a complaint by an employee, who had also complained to Cal-OSHA.

In response, the owner contracted with John to rebuild the stairway, who then submitted a bid to rebuild in kind. When he went to get his permit, he was told that the stairway must comply with the new Code, which is the 2007 CBC.

Here are some of the problem areas:

- The handrails must comply with the accessibility requirements, including extensions.
- The Guard (guardrail) above the handrail must be at least 42” above the tread, instead of 34”-38”.
- Glazing within five feet of the stairway must be tempered.
- The treads must be striped at the top and bottom.
- Because the bottom floor had been tiled, the bottom riser was out of compliance.
- A foundation was required to support the load.
- The supporting frame at the top had to be engineered as well as the connections for seismic reasons.

The real problem is that John did not figure all these “extra” costs into his bid and the owner went berserk (who can blame him?).

The owner MUST comply. The building inspector could order the second floor vacated because

there is an unsafe condition, namely the stairs. Cal-OSHA could assess a fine if the stairs are not rebuilt. The owner is in a tight situation and so is Pete.

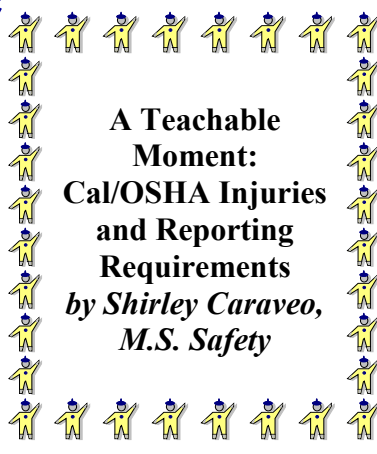
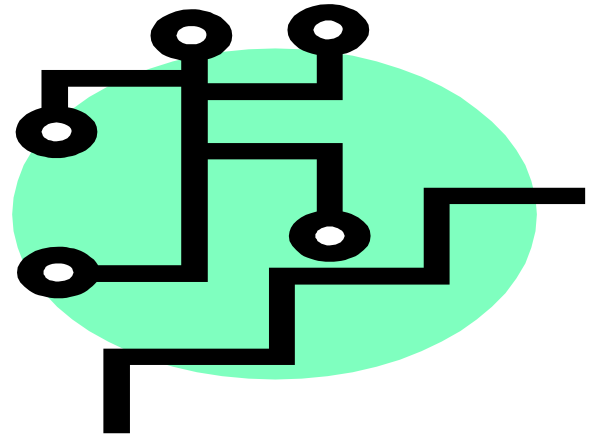
I spoke with the owner to explain the requirements and that there are some possible exceptions in Chapter 34 of the Building Code, but when life safety is an issue there are few exceptions.

I told the owner that I could work with Pete to try to minimize some of the requirements but that is all I could propose. I also explained the risks associated with not having a fully compliant stairway.

I suggested that Pete should not be held responsible to rebuild the stairs at his costs beyond the contract estimate. But, that is for them to settle and I cannot and will not enter into those types of negotiations.

The lesson learned? For Pete, it is that if he had serious Code knowledge, he might have correctly bid on the job. Or, he should have first consulted with the building department to find out what would be required.

For the owner? Deal with it.



A Teachable Moment: Cal/OSHA Injuries and Reporting Requirements by Shirley Caraveo, M.S. Safety

A member contacted us in late July, after one of their employees had been injured at 4:30PM on a Friday afternoon; and had required hospitalization. The office manager reported the injury to the State Compensation Insurance Fund at that time and thought that all was well. The insurance company did not advise the member to call Cal/OSHA, so the member did not do so. Several days went by and the member received a call from Cal/OSHA. It appears that the member’s employee had experienced a Cal/OSHA reportable injury and that the member had not complied with reporting requirements.

Let’s start by reviewing the reporting requirements when there is a Cal/OSHA injury.

You must report within 8 hours after an incident occurs under the following conditions:

1. the employee dies or
2. requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or
3. suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement.

Next, let’s discuss several other points which you should know:

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KALB'S Q & A



Striving to get contractors the best information possible means getting it right from the source in Sacramento. As most of you have other plans on the agenda, I go to these meetings where government decisions are made which are important to working contractors. Spend a moment to learn what you missed at the most recent meeting of decision makers at the CSLB...

The NO VACANCY sign was posted at this meeting of the Contractors State License Board (CSLB). On August 26th, the Board welcomed it's most recent member, Pastor Herrera Jr. along with 4 returning members who were reappointed by Governor Schwarzenegger. For the first time in recent memory, all 15 positions were filled and as one member noted, it's great not having to "dial for a quorum".

Mr. Herrera, in introducing himself noted that Pastor is his name not a title. He has served as the Director of Consumer Affairs for Los Angeles County since 1991 and as Assistant Director for the decade before that. He started as an investigator with the agency in 1976. According to Mr. Herrera, he and his Dept. have helped tens of thousands of county residents on a variety of issues related to consumer protection and fraud prevention.

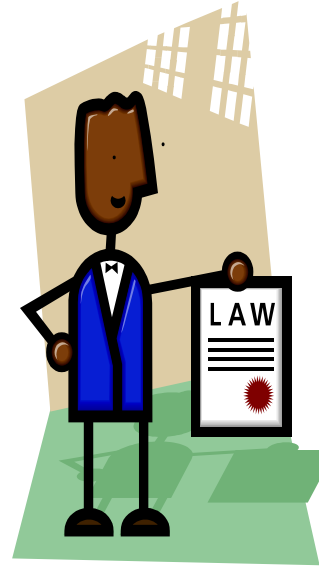
After many years of ups and downs, the CSLB is currently up to date on processing most applications. Board Member Joan Hancock, Chair of the Licensing Committee, congratulated CSLB staff who have been working diligently to reduce their workload as part of the Governor's Job Creation Initiative. For instance, as of late August, renewals and exam applications are being processed in about a week.

Also of note, is the CSLB's new email alert! For the first time, contractors and other interested parties can sign up for email alerts including press releases, public meeting notices and Industry Bulletins. As a cost saving measure, the 'California Licensed Contractor' newsletter, which for years has been mailed to every contractor, will now only be available online. To view the Summer 2010 edition, visit the CSLB web site or Capitol Services at www.cutredtape.com. The most recent newsletter is posted on my Online Resources page.

The Legislative Committee reported on several bills of interest to contractors. The most significant piece of legislation -- SB 1254 (Leno) -- was sponsored by the CSLB, and is headed to the Governor for signature or veto. This bill would authorize the Registrar of Contractors to issue a Stop Work Order to any licensed or unlicensed contractor who, as an employer, has failed to secure Worker's Compensation Insurance coverage for his or her employees.

This bill would also provide for an increase from 3 to 12 in the number of CSLB peace officers. By putting more teeth into enforcement, the CSLB hopes to level the playing field for those licensed contractors who are playing by the rules (i.e. they cover all their employees).

In addition to forgoing Worker's Comp coverage, more contractors in this down economy may be cutting corners including not paying withholding taxes, under-reporting Worker's Comp or paying cash "under the table". This move to the "Dark Side", as expressed by one Board member, should be a concern to all legitimate contractors. For those tempted to take this short cut, be aware that not only are the Employment Development Dept (EDD) and other State agencies



Knowledge is power. Knowing where to go for the answers is half the battle.

investigating these abuses, but also recent Court decisions could jeopardize your ability to be paid for work performed.

While there are no vacancies on the CSLB, all Board meetings are open to the public and contractors are encouraged to attend. Details on future Full Board meetings and various Committee meetings will be covered in later columns.

While knowledge is power, knowing where to go for the answers is half the battle. Get expert assistance immediately when you call 866-443-0657, email info@cutredtape.com, or write me at Capitol Services, Inc., 1225 8th St. Ste. 580, Sacramento, CA 95814. Research past columns at www.cutredtape.com.



TAILGATE TOPICS

FOOT SAFETY - ITS A SHOE IN FOR SAFETY

The foot is something that doesn't get much attention unless there is a problem. Therefore, to avoid possible injury, it's important to think about safeguarding the foot before undertaking any job.

Workers may be exposed to various hazardous conditions on the job, including slippery surfaces, climbing hazards, handling or working around heavy equipment and machinery and working around electricity. These different working conditions may require different safety footwear to protect the foot, and the worker, from injury.

When choosing safety footwear, you must select the legally approved shoe or boot required for the job activity, equipment, and situation. Some situations may require metal-toed boots to protect the top part of the foot. These steel-toed shoes provide extra protection over the top of the foot and can make a difference in preventing an injury in an accident.

Safety shoes or boots with impact protection should be worn when workers carry or handle materials such as heavy packages, objects, parts or tools and for other activities where objects may fall onto the foot. Workers should be required to

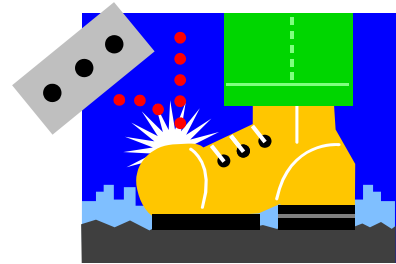


wear safety shoes or boots with impact protection when their work involves wheeling carts that carry heavy materials; handling heavy, bulky tools (paper, fabric, carpet, lumber etc.); working around heavy pipes or in situations where a heavy object may roll over a workers foot.

Safety shoes or boots with puncture protection should be required where a worker could step on sharp objects such as nails, wires, tacks, screws, large staples, scrap metal, etc. And special types of insulating shoes or conductive shoes may be necessary for certain types of electrical work.

Employers should instruct their workers in the correct safety footwear necessary

for the work they will be required to perform or situation they may encounter on the job. They should also understand the importance of wearing the protective footwear. Safety awareness and healthy workers comes from a total safety program that includes ongoing education and training in personal protective equipment on the job.



The above evaluations and/or recommendations are for general guidance only and should not be relied upon for legal compliance purposes. They are based solely on the information provided to us and relate only to those conditions specifically discussed. We do not make any warranty, expressed or implied, that your workplace is safe or healthful or that it complies with all laws, regulations or standards.

WE ARE MAKING SOME CHANGES

We are revamping our training program in order to better service our members. Look for class schedule in next month's news letter or on line at www.socalbuilders.org.

TEMES de PUERTA POSTERIOR

SIMPLES PASOS A LA SEGURIDAD

Los pies son algo que no recibe mucha atención a no ser que exista algún problema. Por lo tanto, para evitar posibles lesiones, es importante pensar en salvaguardar los pies antes de empezar alguna tarea. Los trabajadores pueden estar expuestos a varias situaciones peligrosas en su trabajo, incluyendo superficies resbalosas, peligros al subirse en algo, manejo de equipos pesados o trabajos en las cercanías de maquinarias o electricidad. Dichas diferentes situaciones de trabajo pueden requerir diferente calzado de protección para proteger a los pies y al empleado de lesiones. Al seleccionar los zapatos de protección, se deben escoger los zapatos o botas legalmente aprobados para la tarea de trabajo, el equipo o la situación. Algunas situaciones pueden requerir botas con puntas metálicas para proteger la parte superior del pie. Dichos zapatos con punta de acero proporcionan protección adicional sobre la parte superior del pie y pueden resultar en una gran difer-



encia en la prevención de lesiones en caso de un accidente.

Se deben usar zapatos o botas de seguridad con protección contra impactos cuando el trabajador carga o maneja materiales tales como paquetes, objetos, piezas o herramientas pesadas y para otras actividades durante las cuales pueden caerle objetos sobre el pie. Debe ser obligatorio que los empleados usen zapatos o botas de seguridad con protección contra impactos cuando su trabajo involucra el manejo de carretillas cargadas con materiales pesados; el manejo de herramientas grandes y pesadas (papel, telas, alfombras, maderas, etc.); el trabajo cerca de tuberías pesadas o en situaciones en las cuales un objeto pesado puede rodar sobre el pie del trabajador.

Debe ser obligatorio el uso de zapatos o botas de seguridad con protección contra las perforaciones cuando el empleado pueda pisar objetos afilados, tales como clavos, alambres, tachuelas, tornillos, grapas grandes, chatarra, etc. También puede ser necesario usar zapatos especiales aislantes o conductores para ciertos tipos de trabajos eléctricos.

Los empleadores deben instruir a los empleados en el uso correcto del calzado de seguridad necesario para las tareas que tienen obligación de ejecutar, o en las situaciones que se puedan encontrar durante sus labores. Los empleados también deben entender la importancia de usar los zapatos de protección apropiados. La consciencia de la seguridad y los



trabajadores saludables son el resultado de programas totales de seguridad que incluyen una educación constante y entrenamiento en los equipos de protección personal en el trabajo.

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(G) Whether the hazardous substance is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs, (latest editions), or by OSHA;

(H) Any generally applicable precautions for safe handling and use; including the appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for cleanup of spills and leaks;

(I) Any generally applicable control measures including appropriate engineering controls, work practices, or personal protective equipment;

(J) Emergency and first-aid procedures;

(K) The date of preparation of the material safety data sheet or the last change to it;

(L) The name, address and telephone number of the manufacturer, importer, employer, or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous substance and appropriate emergency procedures, if necessary; and,

(M) A description in lay terms of the specific potential health risks posed by the hazardous substance, which is intended to alert any person reading the information.

p Each MSDS Looks Different: Cal/OSHA only requires that this information be present. Not that it be

presented in any specific order. So you must review each of them, so that you know what the pertinent information is and where it can be found on any particular MSDS.

p It Must Be Accessible to Employees: Employers must ensure that the MSDSs are readily accessible during each work shift to employees when they are in their work area(s). In construction, that means they must be located on the job site or in a central office if you have multiple sites (but there must be immediate access electronically if the hard copy is not actually on the job site). If you have a fixed site, they must be located on the site itself in an area which is open to the employees.

To obtain more information about Material Safety Data Sheet go to:

S.C.B.A. website: www.socalbuilders.org

State Fund website: www.scif.com. We've placed a link on the SCBA website Home Page

Cal/OSHA website: www.dir.ca.gov We've placed a link to the Cal/OSHA Website on the SCBA Website Home Page

A Teachable Moment

1. These incidents must be reported no longer than 8 hours after you know about it, or with diligent inquiry, should have known of the death or serious injury or illness.

If you can demonstrate that exigent circumstances exist which delayed the reporting; however, the time frame for the report may be made no longer than 24 hours after the incident.

2. Your insurance carrier has a specific job; as the insurance provider representing each member, in handling a Worker's Compensation Injury. They are not in a position to, nor do they take responsibility for, advising members on the way to comply with Cal/OSHA requirements of any kind.
3. Your insurance carrier is also not accountable to advise you, under the law. It is each employer's responsibility to know Cal/OSHA's requirements and comply with them.
4. By the way, a medical treater and transport personnel (police, ambulance drivers, etc.) must provide an inde-

pendent report to Cal/OSHA; whenever they become involved in helping an injured worker. That means that Cal/OSHA may already know about an injury before you ever call and can identify who you are.

Remember, your call after a serious injury is a legal requirement. Failing to call is a fineable offense (\$5,000). That's a lot of profit, don't you think?

To obtain more information about When the Unthinkable Happens: Serious Occupational Injuries, Illnesses or Fatalities go to: www.socalbuilders.org Under Category 3: Training/Safety Programs, Safety Forms, Monthly Punchlist Expanded List Contractor, May 2010: Serious Injuries and Fatalities

State Fund website: www.scif.com. We've placed a link on the SCBA website Home Page

Cal/OSHA at the Department of Occupational Safety and Health: www.dir.ca.gov/title8/342.html. We've placed a link on the



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State Compensation Insurance Fund is not a branch of the State of California.

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