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California employers have recently seen an increase in the number of citations issued by the California Division of Occupational Safety and Health (Cal/OSHA) for violations of a General Industry Safety Order requiring that employers’ first aid materials be approved by a consulting physician. Specifically, California Code of Regulations, Title 8, Section 3400 (c) states, in pertinent part, “There shall be adequate first-aid materials, approved by the consulting physician, readily available for employees on every job.” (Emphasis added.)

While many employers have OSHA-compliant first aid kits available for employees, it is likely that the kits comply only with federal OSHA requirements and not the more stringent Cal/OSHA requirements. Unless your kit contains a note from a “consulting physician” approving it, the kit may be in violation of California law. To justify the citations, Cal/OSHA has argued that the hazard associated with lack of approval by consulting physicians is that personal medications or unauthorized drugs may be placed inside first aid kits.

The resurgence in the issuance of Cal/OSHA citations related to the adequacy of first aid materials may be due in part to efforts to have the rule changed to remove the requirement for consulting physician approval. However, until the rule is changed, employers should be aware of this uptick in enforcement and ensure that workplace first aid kits are in compliance with California law. Obtaining approval can be as straightforward as sending your consulting physician a letter outlining the contents of your kit and asking the physician to review it and sign for approval.


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