

State of California  
Division of Occupational Safety and Health  
320 West 4th St., Suite 850  
Los Angeles, CA 90013  
Phone: (213) 576-7451 Fax: (213) 576-7461



## Citation and Notification of Penalty

To:  
UC Los Angeles-Dept. of Chemistry & Biochemistry  
its successors  
501 Westwood Plaza, 4th Flr.  
Los Angeles, CA 90095

Inspection Number: 300869591  
Inspection Date(s): 01/05/2009 and  
Issuance Date: 05/04/2009  
CSHO ID: K1549  
Optional Report #: 018-09  
Reporting ID: 0950641

Inspection Site:  
609 Charles E. Young Dr. East  
Los Angeles, CA 90095

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

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**Informal Conference** - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
Telephone: (916) 274-5751  
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

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## PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

## NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date." **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

**Note:** Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health  
320 West 4th Street, Suite 850  
Los Angeles, CA 91401  
Telephone: (213) 576-7451

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

**Employees Participation in Informal Conference.** Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

## DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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Inspection Dates: 01/05/2009 -  
Issuance Date: 05/04/2009  
CSHO ID: K1549  
Optional Inspection Nbr: 018-09



**Citation and Notification of Penalty**

Company Name: UC Los Angeles-Dept. of Chemistry & Biochemistry  
Inspection Site: 609 Charles E. Young Dr. East, Los Angeles, CA 90095

**Citation 1 Item 1 Type of Violation: **Regulatory****

T8CCR 3203. Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

- a. During the course of inspection, it was determined that there were no records of safety and health training on Occupational Exposure to Hazardous Chemicals in Laboratories on employees working in laboratory room 4221 pursuant of what is required by the above regulation.

Date By Which Violation Must be Abated:	05/28/2009
Proposed Penalty:	\$ 375.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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### Citation and Notification of Penalty

**Company Name:** UC Los Angeles-Dept. of Chemistry & Biochemistry  
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#### Citation 2 Item 1 Type of Violation: **Serious**

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T8CCR 3203. Injury and Illness Prevention Program.  
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(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

- a. During the course of inspection, employer did not implement procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner.

On 12-29-08, an incident occurred wherein an employee was working with a pyrophoric chemical without an appropriate body protection. A laboratory safety inspection was conducted on 10-30-08 and identified this deficiency and recommended that laboratory coats must be worn while conducting research and handling hazardous materials in the laboratory. Another findings indicated that the amount of flammable solvents kept outside of the flammable cabinets exceeded the NFPA limit.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/18/2009  
\$ 6750.00

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**Citation and Notification of Penalty**

Company Name: UC Los Angeles-Dept. of Chemistry & Biochemistry  
Inspection Site: 609 Charles E. Young Dr. East, Los Angeles, CA 90095

**Citation 3 Item 1 Type of Violation: **Serious****

T8CCR 5191. Occupational Exposure to Hazardous Chemicals in Laboratories.

(f) Employee information and training.

(4) Training.

(A) Employee training shall include;

1. Methods and observations that may be used to detect the presence or release of a hazardous chemical (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);
2. The physical and health hazards of chemicals in the work area; and
3. The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

Reference:

T8CCR 3203. Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(7) Provide training and instruction:

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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(A) When the program is first established;

EXCEPTION: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

- a. During the course of the investigation, it was determined that employees interviewed and were working in a laboratory where hazardous chemicals are used did not receive training and information pursuant to what is required by the above regulation.

Date By Which Violation Must be Abated:

05/28/2009

Proposed Penalty:

\$ 6750.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



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## Citation and Notification of Penalty

Company Name: UC Los Angeles-Dept. of Chemistry & Biochemistry  
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### Citation 4 Item 1 Type of Violation: **Serious**

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T8CCR 3383. Body Protection.

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(b) Clothing appropriate for the work being done shall be worn. Loose sleeves, tails, ties, lapels, cuffs, or other loose clothing which can be entangled in moving machinery shall not be worn.

Reference:

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T8CCR 3380. Personal Protective Devices.

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(a) Protection where modified by the words head, eye, body, hand, and foot, as required by the orders in this article means the safeguarding obtained by means of safety devices and safeguards of the proper type for the exposure and of such design, strength and quality as to eliminate, preclude or mitigate the hazard. Note: In order that safety devices or safeguards, which may include personal protective equipment, be acceptable as to proper type, design, strength and quality they shall be at least equivalent to those complying with the standards approved by The American National Standards Institute, Bureau of Standards, or other recognized authorities, except that where no authoritative standard exists for a safety device or safeguard, the use of such safeguard or safety device shall be subject to inspection and acceptance or rejection by the Division.

- a. During the course of the investigation, it was determined that no appropriate clothing protection nor a laboratory coat was used while working with a pyrophoric material.

On 12-29-08, an incident occurred during the process of extracting a pyrophoric reagent using a plastic syringe wherein the barrel of the syringe came undone and the pyrophoric material was released. The liquid released from the syringe spilled on the employee's clothing, torso and

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hands and upon contact with air, immediately caught fire. The spilled material came in contact with the employee's sweatshirt made of synthetic material and caught fire. As a result of this incident, employee had suffered second and third degree burns over 43% of her body. Employee was confined in the hospital for more than two weeks.

Date By Which Violation Must be Abated: Abated  
Proposed Penalty: \$ 18000.00

  
  
Compliance Officer/District Manager

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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\*  Fatality  
 \* W.C. Carrier SELF

### NARRATIVE SUMMARY

Establishment Name: UCLA-Dept. of Chemistry & Biochemistry	Inspection Number: 300869591
Management Contacted: Bill Peck, CIH	Title: Manager, Occupational Safety & Employee Health

#### Information on Injured

Covered by Workers' Compensation Yes  No

Name, Address and Phone Number	Occupation
Sheharbano Sanji [REDACTED]	Research Associate
[REDACTED]	
[REDACTED]	

Use additional form(s) as needed

#### Witness Name(s) and Title

\* Check box preceding name if confidentiality is given.

*	Names and Title(s)	Address	Phone No.	Signed Statement?		
	Dr. Patrick Harran	[REDACTED]	[REDACTED]	Yes	X	No
	Hui Ding	[REDACTED]	[REDACTED]	Yes	X	No
	Weifeng Chen	[REDACTED]	[REDACTED]	Yes	X	No

Use additional form(s) as needed

#### Summary

On 12-29-08 at approximately 5:44 pm, CAL-OSHA Los Angeles District Office received a report of an industrial accident occurring at 609 Charles E Young Drive Los Angeles CA 90095. The case was assigned to Zulfiqar Merchant, Associate Safety Engineer. On 01-05-09 at around 9:30am, Mr. Merchant conducted an opening conference with Mr. Bill Peck, Manager Occupational Safety and Employee Health and consent to proceed with the investigation was given by Mr. Peck. On 01-16-09 the Division was notified that the incident resulted to a fatality and the case was re-assigned to Ramon Porras.

#### Overview of the incident:

From the report, it was determined that an incident had occurred on 12-29-08 at around 3:00pm in which a Research Associate was working at her assigned task in a laboratory. The process involved withdrawing around 20 mls of tertiary butyl lithium 1.7M in pentane. The employee was using a 60mls syringe with a 1 1/2" gage needle. The compound is pyrophoric and highly reactive when exposed to air. The plunger of the syringe was either ejected or pulled out of the syringe, causing the liquid to be released. The amount of liquid released was undetermined. The liquid released from the syringe spilled onto the employee's clothing, torso and hands and upon contact with air, immediately caught fire. The employee's clothing caught fire and the fire was extinguished by a fellow employee using his lab coat and had it wrapped on the injured employee's body in an

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attempt to put out the fire. The fellow employee also doused the injured employee with water coming from the laboratory sink and 911 were called. Emergency responders put the employee on a chair and wheeled her under the emergency shower and have her drenched with water then transported her to Ronald Reagan UCLA Emergency room. She was transferred to the Grossman Burn unit in Sherman Oaks later on the same day. It was observed during the course of the investigation that the syringe used to transfer the liquid melted during the fire. It was also noted that the method of transfer was routine and an acceptable procedure according to the head of the research team. The employee had nitrile gloves on when handling the hazardous chemical but was not wearing a lab coat or apron. Said employee was confined at the Burn Center for more than 2 weeks till she expired due to complications as a result of the burn over 40% of her body.

One Regulatory, two Serious and one Serious-Accident Related citations will be issued to UCLA Dept. of Chemistry & Biochemistry.

T8CCR 3203(b) (2) RG No training records on employees available for compliance review.

T8CCR 3203(a) (6) Serious Unsafe work practices identified during inspection and not corrected in a timely manner.

T8CCR 5191(f) (4) (A) 1-3 Serious Employees not trained on hazards of occupational exposure to chemicals in a laboratory.

T8CCR 3383(b) Serious Accident- Related Appropriate personal protective clothing not worn in a laboratory while working with hazardous chemicals.

Use additional sheet(s) as needed.

		Signature	Date
Prepared by:	CSE, IH	Ramon C. Porras	03-30-09
Reviewed by:	DM/Sr. IH	<i>[Signature]</i>	05-02-09
	Regional Manager		
	Deputy Chief		