

California Employers May Benefit From Confirming that Their First-Aid Kits Comply with CAL/OSHA Standard

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California Division of Occupational Safety and Health (Cal/OSHA) has recently increased enforcement of violations of a General Industry Safety Order requiring that employers' first-aid materials be approved by a consulting physician.

The [California Code of Regulations, Title 8, Section 3400 \(c\)](#) states, in relevant part:

There shall be adequate first-aid materials, approved by the consulting physician, readily available for employees on every job.

While most employers in California may have first-aid kits in place, many may not have kits that are specifically approved by a consulting physician. Lack of approval by a consulting physician makes a first-aid kit non-compliant with the standard subjecting the employer to potential citations for violating the standard. Cal/OSHA's position is that the hazard associated with lack of approval by a consulting physician is that personal medications or unauthorized drugs might be placed inside a first-aid kit.

Although there is some push in the legislature towards changing the standard to remove the requirement for approval by a consulting physician, until the change actually happens, California employers should be aware of this trend in increased citations for non-complying first-aid kits and ensure that workplace kits are in compliance with the standard. A likely easy and simple way to become complaint could be providing for review and approval to the employer's consulting physician a written list of contents of the first-aid kit and documenting the physician's approval.¹

¹ A generic first aid kit (see ANSI Z308.1-1998) may be sufficient to secure a physician's approval, but where special hazards exist at the workplace, additional measures may be required for physician approval. See *In the Matter of Appeal of Cybernet Entertainment*, 2015 WL 10058906 (Ca.O.S.H.A.A.L.J.) (April 10, 2015).