

STATE OF CALIFORNIA
Department of Industrial Relations

Division of Occupational Safety and Health

Date: October 25, 2011
To: Christine Baker, Acting Director, DIR
From: Ellen Widess, Chief, DOSH

Attached is a chart with compliance office staffing and workload data for all of fiscal year 2011 (ending June 30, 2011), which is the latest data available. This will give you an idea of the tremendous amount of work being done by district offices that have large geographic areas to cover, with hundreds of thousands of workers per district, and only a handful of DOSH inspectors (less than 10 in most offices).

What is not apparent from these numbers, however, are the following issues:

- The lack of field inspectors has forced many of the District Offices to respond to worker complaints by letter, rather than by an on-site inspection (see chart for number of complaints responded to by letter). We are concerned about potentially serious hazards that we cannot evaluate and correct simply because we do not have enough inspectors to send on site;
- We are not meeting California's statutory deadlines for responding to complaints, and we are not meeting Fed OSHA's timelines for opening and closing cases – because we do not have an adequate number of inspectors available to do the work;
- Some of the inspections – arising from worker fatalities and “high profile” cases – are very time consuming and tie up inspectors for weeks or months at a time. These inspections are lengthy, complicated, exhaustive, and require substantial amounts of time and resources just for “one inspection.”

This year we have already had 397 fatalities in California, with two full months of the year to go. All fatality investigations require significant time and effort to determine the cause of the accident and to substantiate the citations, often Willful, issued to the employer, which are guaranteed to be appealed. Our Bureau of Investigation (BOI) is involved in many cases, which requires extensive coordination with local District Attorneys to bring criminal charges. These cases take months to complete, but reap huge deterrent value.

Recent examples of fatality inspections include:

- Double fatality in the Community Recycling and Resource Recovery (CRRR) case in Kern County involving two separate employers;
- Fatality and daily assaults in all five Department of Mental Health facilities statewide;
- Fatality and brain-dead employee at Baxter Healthcare Corp in Los Angeles;
- Trenching fatalities in Santa Ana and Van Nuys;
- Five fatalities in a nine-day period in September in the Fresno district (even before the recent recycling double fatality).

In addition, there are related “high profile” cases that for each one inspection involve significant amounts of time and resources for District Offices. These include:

- Hundreds of heat illness prevention inspections statewide, including one fatality and 13 more possible heat-related fatalities and 27 suspected heat illness cases under investigation;
- Mass hospitalizations in Sacramento for chlorine exposures at “Raging Waters” and an ag packing house;
- Explosion and serious injuries in Sylmar, site of a previous fatality investigation;
- More than 35 heat complaints in a 10-day period from the United Farm Workers to the Modesto District Office;
- Efforts by multiple district offices to stay on top of more than 80 major sub-projects involving tunneling, asbestos and under the Bay pressure chambers for the Hetch Hetchy water system replacement project;
- More unions are exercising their right to be part of the inspections, requesting and receiving party status in employer appeals, and also directly requesting training from the Division – all of this liaison work requires additional time and resources.

In addition to performing competent inspections in all these areas, we should also be conducting preventive, programmed inspections in industrial sectors where these fatalities have occurred – such as other recycling centers, other wineries, other amusement parks, and other mental health facilities. We are behind in conducting our mandated programmed inspections of high hazard industries because we have had to redirect High Hazard Unit inspectors to high priority cases and emergencies, like the assaults on workers in DMH hospitals and the double fatality at Community Recycling.

We simply do not have the ability to perform these preventive inspections with the current level of staffing. We are stretched to the limit to conduct the legally-required inspections that the district offices must undertake every day.

We have over 115 vacant positions for an agency with only 700 authorized positions.