

January 16, 2024

Cal/OSHA Understaffing Continues as Chief Heads for the Door

We start the new year looking at another period of leadership limbo at Cal/OSHA – with Chief Killip’s departure this Friday – and continuing high levels of field enforcement vacancies. The worker protection agency is facing perilous times with years-long understaffing undermining its ability to enforce existing regulations let alone the new standards coming on-line this year – emergency silica for stone workers, indoor heat regulation, and the update of the decades-old lead exposure standard.

The latest available Organization Chart for Cal/OSHA (Oct 31, 2023, released by DIR in January 2024) shows that Cal/OSHA had **97 vacant CSHO positions** on November 1, 2023, for a **vacancy rate of 35.5%**. The DOSH Org Chart indicated there are an additional 14 vacant CSHO positions counting fully-funded positions that are being held in reserve and have not been assigned to a specific District Office. Counting these positions, the number of **CSHO vacancies climbs to 111 for a vacancy rate of 38.5%**.

Combining the Org Chart with Chief Killip’s weekly hiring updates (see attachments), it is possible to determine the minimum number of vacancies on January 1, 2024, as 111 CSHO positions as no hires of CSHOs were reported in November and December 2023. The actual number of vacancies may even be higher as the end of year commonly sees a surge of retirements before December 31st.

Cal/OSHA now has an inspector to worker ratio – the standard metric for comparing regulatory agencies – of 1 inspector for every 113,000 workers in California. This compares to ratios of 1 to 27,000 in Washington state and 1 to 26,000 in Oregon.

Moreover, very little progress has been made in hiring industrial hygienists for Cal/OSHA who will be essential for effective enforcement of the new health-related regulations controlling silica, lead, and indoor heat exposures. At the end of the year, Cal/OSHA only had six industrial hygienists and one “junior IH” on the enforcement staff. Neither Region IV (Los Angeles) or the Process Safety Management unit (covering refineries) had any industrial hygienists.

Among other key aspects of Cal/OSHA’s staffing situation in the new year include:

- **Eight enforcement District Offices have CSHO vacancy rates at or above 40%** -- San Francisco (67%), San Bernardino (57%), Bakersfield (50%), Santa Ana (50%), Fremont (45%), Los Angeles (44%), and both the PSM Refinery and Non-Refinery units (40%). Seven more District Offices have CSHO vacancy rates between 33%

and 40% -- American Canyon, Foster City, Mining & Tunneling unit, Oakland, Sacramento, San Diego, and Van Nuys.

- Overall, **Region I (San Francisco Bay Area) has a CSHO vacancy rate of 41%, Region III (Santa Ana) has a 49% vacancy rate, and the PSM unit has a 40% vacancy rate.** Region III has no Region Manager as well as the 49% CSHO vacancy rate.
- There are three **District Offices without a District Manager** in Fresno, Monrovia, and the Santa Ana LETF office. The SSE/District Manager position in the Van Nuys Mining & Tunneling (Region 5) is vacant. In these District Offices, a CSHO must serve as Acting District Manager, so those offices effectively have one additional CSHO vacancy as the ADMs do not conduct field inspections. The **Los Angeles District Office has zero clerical staff**, which means CSHOs must spend time doing administrative work.
- The PSM Refinery unit – with the responsibility for overseeing the state’s 15 operating oil refineries – has only six CSHO positions filled, with four vacancies. The refinery staff only consists of 10 CSHO positions statewide, nowhere near an adequate staff to deal with routine enforcement, let alone respond to a recent series of upset conditions at northern California refineries.
- The Cal/OSHA Legal unit has a vacancy rate for attorneys of 23% (10 attorneys) at a time when employers have greatly increased appeals of citations issued by the Division, including those for failure to protect employees from Covid-19 exposures.
- Cal/OSHA’s Consultation Service, critical for assisting employers get into compliance with new regulations as well as older ones, has a vacancy rate among field personnel of 34% (14 vacancies).

Cal/OSHA finds itself in a precarious situation as it begins the search for a new Chief. An extended interim period with an Acting Chief would do serious damage to the agency and further weaken worker protections in the state. Reviving Cal/OSHA will require a Chief committed to robust and effective enforcement, strategic thinking about use of limited resources, and a willingness to partner with all stakeholders, including workers and their organizations.

One issue that needs to be sorted out immediately is why almost 50% of Cal/OSHA’s resources are held in “reserve for economic uncertainties” every year, and why the PSM unit uses only half of the \$4-plus million generated every year from a surcharge on oil production to enforce safety in the state’s refineries. Cal/OSHA’s funding is not connected to the state budget in any way – it consists of funds from Fed OSHA and various direct surcharges on employer’s workers compensation premiums.

To meet the mission and mandate of Cal/OSHA, the new Chief will need to take advantage of all the financial resources available to the agency and put these to maximum use with a rebuilt enforcement staff. Otherwise, the working people of the state will continue to lack the protections they deserve, and that are required by law.

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