





Overworked and Underprotected

Cal-OSHA is experiencing a staffing crisis.
Here's how that endangers California workers

BY MAYA MILLER

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Carlos Castro doesn't remember the day he became paraplegic. He only knows what happened through the accounts of others.

Before his life-altering injury, Castro worked as a journeyman pipefitter based in San Jose. He laid miles of piping in some of Silicon Valley's most recognizable buildings, including the corporate headquarters for Google and Intel.

On the day of the accident, Nov. 3, 2020, Castro and his coworkers were hoisting chilled water pipes into place for a new data processing center. Photos and video show Castro on a scissor lift, wheeling his way toward the nearly 2,000-pound load that was suspended 16 feet into the air. His job was to secure the pipe in place.

All of a sudden, the concrete pipe crashed down. It cracked Castro's helmet and pinned him to the scissor lift. His coworkers say he was unconscious and not breathing for two or three minutes.

The accident landed Castro in the hospital for nearly six months. The pipe crushed his spine, and fragments of bone badly bruised his spinal cord. He is now permanently paralyzed from the chest down. He also suffers constant pain around his midsection where the functioning nerves on the top of his body connect to the paralyzed ones below.



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Carlos Castro talks in December 2023 about how he thinks a more active Cal-OSHA agency could have helped prevent the construction injury that paralyzed him from the chest down.

BY PAUL KITAGAKI JR.

“It feels like if you had two giant hands, and there were jagged rocks inside of them, and they were (scraping) on your torso all day,” Castro said. “I deal with that every day.

Castro’s lawyer says the employer’s carelessness should have warranted an investigation for possible criminal negligence. Yet, the company, Southland Industries, who declined The Bee’s request for comment, will never undergo a criminal probe of any sort related to Castro’s accident. It can never be held criminally responsible for his injuries.

In fact, no one will ever know whether Castro’s employer acted illegally when it put his life in danger that day.

Why? Because Cal-OSHA – the state agency responsible for keeping more than 18 million Californians safe on the job – suffers from severe and chronic understaffing.

The personnel shortage overburdens Cal-OSHA employees with an unreasonably heavy workload, according to the several current and former staffers who spoke

with The Bee. They say it also hurts California workers, whose cases sit in backlogs for months as employers face minimal consequences for endangering employee health and safety.

You can't just ruin a man's life and walk away.

Jack Stein, Carlos Castro's attorney

The understaffing is so severe that Cal-OSHA must prioritize which cases it investigates for potential criminal prosecution. Castro's case doesn't make the cut. Because he didn't die.

"We all know that one of the major purposes of criminal prosecution is as an incentive to employers to make sure the job is safe, so that people don't take shortcuts," said Jack Stein, Castro's attorney.

"You can't just ruin a man's life and walk away."

Both current and retired Cal-OSHA personnel describe the division as a workplace in crisis whose leaders lack the political will to fix the problem. Leadership is also in short supply at the division, workers say, especially since the former [chief Jeff Killip resigned last month](#).

A Sacramento Bee investigation found numerous examples of how the staffing shortage is causing serious harm, both to state employees and California's front-line workers.

Specifically, The Bee identified a number of troubling circumstances:

- The overall vacancy rate at Cal-OSHA is 34%, according to a Bee analysis of the latest organization chart. Among health and safety inspectors, that rate rises to 37%, [as Cal-OSHA's hiring data shows](#).

- The Cal-OSHA Bureau of Investigations, which is legally obligated to investigate every fatality for possible criminal negligence, has operated with at least a 50% vacancy rate for each of the last six years. Currently, the BOI has only two investigators for the entire state – a 67% vacancy rate.
- Due to short staffing, the BOI is unable to even look at cases that aren't fatalities. This means that people such as Castro, who sustain serious injuries but don't die, will never benefit from a Cal-OSHA investigation into possible criminal negligence. They won't ever know for sure whether their employer was criminally liable for their injuries.
- The Cal-OSHA branch that enforces workplace standards is fully funded outside of the state's General Fund, and relies predominantly on a combination of federal grants, industry fees and employer surcharges. Still, the branch operates with a 37% vacancy rate.
- Hiring new staff quickly has been challenging due to various complications. The state of California tries to compete for a small talent pool by offering relatively low salaries compared to private industry while also imposing stricter minimum qualifications. The state's byzantine merit hiring process doesn't make the task any easier. Neither does the excessive human resources bureaucracy within the Department of Industrial Relations, which oversees Cal-OSHA.
- Cal-OSHA staff say the severe personnel shortage is just one symptom of a larger culture problem within the Department of Industrial Relations. The onerous workloads force site inspectors to rush through cases. As a result, not only can quality be compromised, but veteran staff burn out faster than the department can hire new talent. This "brain drain" creates a vacuum of institutional knowledge.

Cal-OSHA sets and enforces California workplace standards, which experts say are exemplary on a national and global stage. The enforcement branch inspects worksites and issues citations to employers who violate standards, while the consultation branch educates and supports businesses to increase workplace safety. The division had a budget of roughly \$225 million, according to 2023-24 budget documents. Of the more than 920 positions listed in Cal-OSHA's most recent organization chart, about a third were





What's the difference between Cal-OSHA and Federal OSHA?

California is one of 29 states or U.S. territories that operate their own workplace safety and health programs. State plans such as Cal - OSHA are monitored by federal OSHA and must be at least as effective in protecting workers and preventing work - related injuries, illnesses and deaths. Federal OSHA provided close to \$37 .5 million to Cal - OSHA last year, according to [state budget documents](#).

The U.S. Department of Labor's federal OSHA program oversees and largely funds California's state-administered plan. Regulators noted [in their most recent evaluation](#) that Cal-OSHA's vacancies have greatly limited the agency's ability to proactively inspect workplaces and prevent accidents before they happen. Instead, the division is stuck playing defense.

Federal OSHA's 2022 annual evaluation of Cal-OSHA noted, among other issues caused by staffing, that "Cal/OSHA cannot conduct planned inspections of high hazard employers at the national average rate."

Specifically, it noted that just 18.5% of Cal-OSHA's inspections are "programmed." In other words, only about one in five inspections are preventative and could catch violations before an accident occurs and potentially injures — or kills — a worker.

In contrast, the national average for programmed inspections is 40%.

Leaders at Cal-OSHA, and even DIR Director Katie Hagen, admit that the division isn't hiring quickly enough. Internal numbers show that the division knows it's losing workers faster than it can replace them. And experts say nothing short of immense political will from Gov. Gavin Newsom could fix the problem.

"It's a perfect storm of screw-ups here," said Garrett Brown, a retired industrial hygienist who served as special assistant to former Cal-OSHA Chief Ellen Widess.

Since his departure in 2014, Brown has served as an unofficial watchdog and tried to

call attention to the hiring crisis. He regularly reviews Cal-OSHA's hiring updates, crunches the numbers and sends out email blasts with calls to action.

Brown laments the decline of an agency that was once, from his perspective, a national leader in protecting workers and holding employers accountable. If internal culture doesn't change, he posits, Cal-OSHA will never be able to staff itself adequately enough to fulfill its mission.

It's a perfect storm of screw-ups here.

Garrett Brown, a retired industrial hygienist and former special assistant to the Cal-OSHA chief

"Eventually, the best people leave or are pushed out. What's left behind is a toxic culture," Brown said. "The deterrent effect of Cal-OSHA has greatly diminished."

Cal-OSHA personnel aren't alone in their concerns about a floundering agency. Lawmakers, such as Democratic Assemblywoman Liz Ortega of Hayward, have taken notice and hope to spur change. For starters, Ortega wants an independent audit of Cal-OSHA.

"We pass all these great laws here in California, but they don't do any good if they're not being implemented and enforced," said Ortega, who chairs the Assembly's Labor and Employment committee. "To say I'm infuriated is an understatement."

Justice delayed, justice denied

One of those diminished deterrents is the ability for Cal-OSHA to investigate criminal negligence.

More than 450 California workers were killed on the job each year in 2020, 2021 and

2022 — the [most recent data available](#) from the U.S. Bureau of Labor Statistics. It is the duty of a little-known, but vital, branch of Cal-OSHA to determine whether the employer should bear criminal responsibility for those deaths.

That branch, known as the Bureau of Investigations (BOI), is [tasked with investigating](#) all accident-related deaths and life-altering injuries (such as amputations and permanent paralysis).

Cal-OSHA's BOI is one of a kind. No other state, and not even federal OSHA, has such an entity dedicated to investigating criminal violations of labor code.

Chris Kuhns, a special investigator with the BOI for 14 years, said he stayed with the job because he believed in the bureau's mission. He knew their work could force real change and hold nefarious employers accountable for killing and hurting their employees.

"I believed in that job," Kuhns said. "I believe we got justice for families, and I believe that we were able to send a message to industries: 'Please, abide by the safety regulations, because it kills people. And if you don't, you can be criminally punished.'"

But Kuhns said the bureau's severe staffing shortage made it impossible for him to do his job properly.

California state law requires that "the bureau shall be staffed by as many attorneys and investigators as are necessary."

A decade ago, when it was fully staffed, the BOI had six investigators, plus a supervisor. Now, the bureau has only two investigators for the entire state – one in Northern California, and one in Southern California. That's a 67% vacancy rate.

Widess, the former Cal-OSHA chief, oversaw a better-staffed BOI in her time. She is deeply troubled by the bureau's current status since the BOI has great power to deter employers from endangering workers, she said.

"To have two investigators to cover 19 million workers is outrageous," Widess said. "The BOI should be a well-supported unit."

case or which the division determines will be referred to the bureau in its investigation of the case.

(c) The supervisor of the bureau is the administrative chief of the bureau, and shall be an attorney.

(d) The bureau shall be staffed by as many attorneys and investigators as are necessary to carry out the purposes of this chapter. To the extent possible, the attorneys and investigators shall be experienced in criminal law.

(e) The supervisor of the bureau and bureau representatives designated by the supervisor have a right of access to all places of employment necessary to the investigation, may collect any samples they deem necessary to an

Section

Source: California Labor Code Section 6315

In 2013, the BOI referred nearly 30 cases to county prosecutors, and only six were rejected. That number fell to just seven referrals in 2021, of which five were rejected, according to the [latest available BOI annual report](#). (DIR spokesman Peter Melton told The Bee, “The 2022 BOI report is still being finalized.” The 2023 BOI report, by law, must be completed this month.)

The pressure to prioritize only the strongest cases and triage the rest means the BOI closes the majority of worker death investigations due to “lack of sufficient evidence.” Really, Kuhns said, the most accurate explanation is “lack of time to amass sufficient evidence.”

The bureau is so overburdened that it won’t even consider non-fatality cases, Kuhns said. In response to questions from The Bee, DIR did not deny that this was indeed a Cal-OSHA practice.

This reality disqualifies someone like Castro, who suffered a life-altering injury but survived, from receiving a criminal investigation from Cal-OSHA.



Paralyzed in a construction accident, Carlos Castro goes about his day

Carlos Castro maneuvers his motorized wheelchair at home as he prepares to leave for his workout at a San Jose gym on Dec. 15, 2023. Castro was injured in a construction accident and is paralyzed from his chest down. PAUL KITAGAKI JR.pkitagaki@sacbee.com

“It pisses me off,” Castro told The Bee in December.

Castro’s lawyer, Stein, said the main purpose of the BOI and criminal prosecution is to “make members of the public or members of the construction industry aware that if they violate these rules, they’re going to be punished.”

Got fines? It's fine. Just appeal them

A criminal charge from the BOI isn't the only punishment an employer can face. Much more common are civil fines and citations from Cal-OSHA's enforcement division.

Understandably though, employers want to keep their records clean. Safety citations are public records that can hinder companies in the contract bidding process. Therefore, many employers bring their citations to the Cal-OSHA Appeals Board, a judicial body comprised of three people appointed by the governor.

But the lengthy appeals process significantly delays the payment of fines. It also creates extra work for an already strapped Cal-OSHA staff. Furthermore, the strict timetable for contesting citations actually incentivizes employers to appeal in order to buy themselves more time.

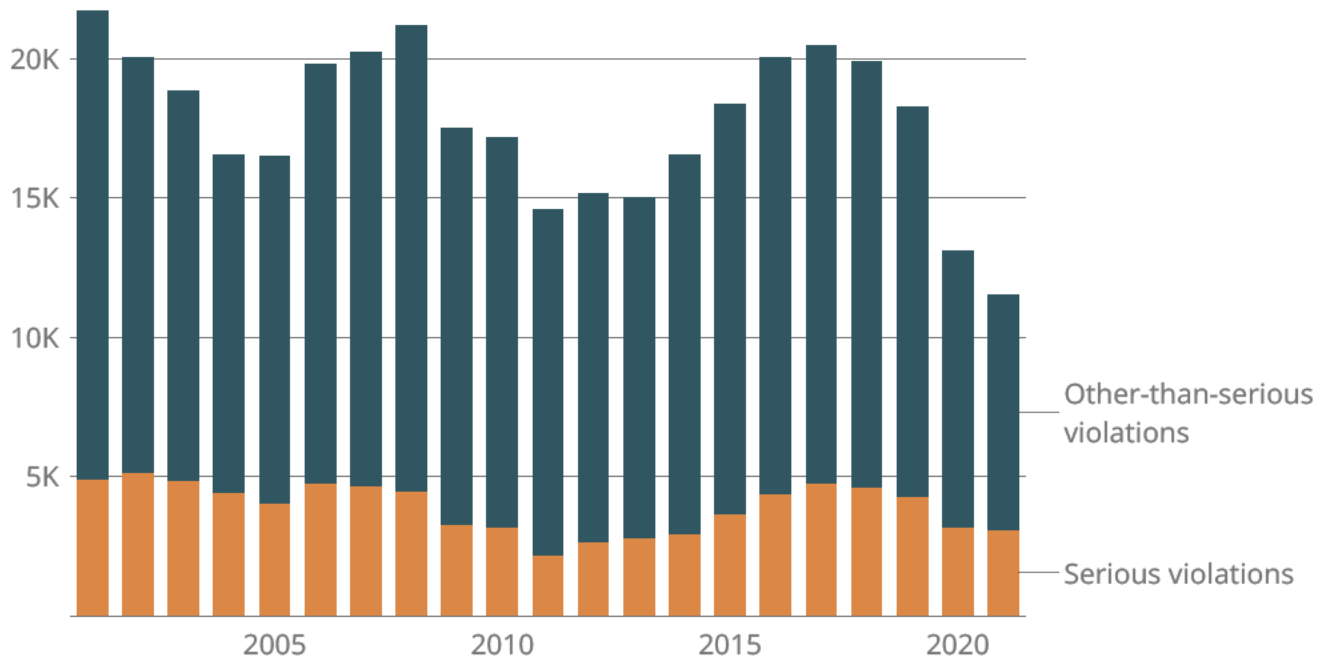
When an employer receives a citation, they only have 15 working days to file an appeal.

"You're not going to be able to complete an investigation and have an understanding of your defenses in that period of time," said Lisa Prince, principal attorney at the Prince Firm who has represented employers in Cal-OSHA matters for more than 20 years.

Prince said that in the past, employers would sometimes come to agreements during informal conferences with Cal-OSHA district managers and thus avoid the long road to an Appeals Board hearing.

Number of Cal-OSHA citations issued has declined since the early 2000s

Cal-OSHA safety and health inspectors issued far fewer citations in 2021 than they did 20 years prior. Experts say the agency's short-handedness only heightens the pressure on staff to open and close cases quickly.



The term "Serious Violation" includes serious, repeat and willful citations. The term "Other-Than-Serious" refers to general and regulatory citations.

Source: California Department of Industrial Relations, Division of Occupational Health and Safety (Cal-OSHA) • [Get the data](#)

But staffing shortages at Cal-OSHA, plus new limits on district managers' power to alter citations, have all but guaranteed that appeals are the norm. Prince recalls that district managers used to have "quite a bit" of authority to negotiate and amend citations.

"I'm frequently told now that they have to go to a regional manager or even higher up in the organization, in some cases," Prince said. "Or they need to consult with Cal-OSHA's legal department."

Brown, the former assistant to the Cal-OSHA chief, said safety inspectors now have to spend even more time gathering evidence because appeals have become inevitable. Inspectors are already under pressure to open and close cases quickly to pick up the slack for their departed colleagues.

“You just have work piling up on your desk,” Brown said, “and so does headquarters.”

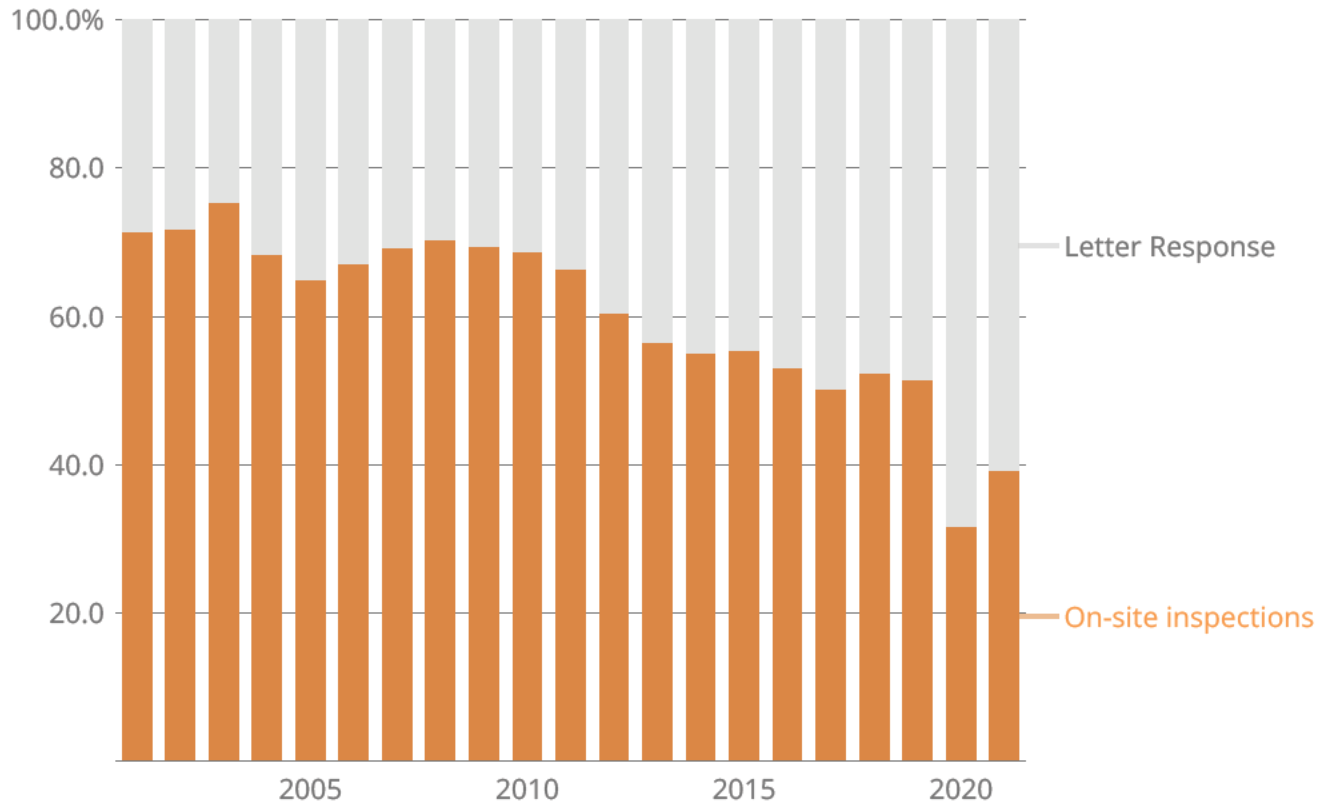
As a result, Cal-OSHA inspectors rarely issue significant citations, such as “willfulls” and “repeats” that require the most compelling evidence and are the likeliest targets for time-consuming appeals.

One of the most important ways for Cal-OSHA inspectors to prove that someone has committed a significant violation – and ensure it stands up on appeal – is through an on-site visit.

But again, due to staffing shortages, Cal-OSHA has far less capacity to complete on-site inspections. Between 2001 and 2021, the percentage of inspections conducted by letter rose by more than 30% while on-site inspections fell by that same proportion.

On-site Cal-OSHA inspections dwindle while inspections-by-letter soar

Cal-OSHA's enforcement personnel are conducting more and more of their inspections by sending letters to employers rather than showing up for on-site visits. In-person inspections are yet another casualty of a short-staffed and overworked division, current and former employees say.



Although inspections by letter became a necessity during the height of the COVID-19 pandemic to prevent exposure, the downward trend in on-site Cal-OSHA inspections started more than a decade earlier.

Source: California Department of Industrial Relations, Division of Occupational Health and Safety (Cal-OSHA) • [Get the data](#)

Brown's assessment: "There's just no way you're going to be able to do a four-visit inspection of a place when you've got 15 complaints sitting on your desk that need attention."

A stretched and shorthanded division

The problem with Cal-OSHA's staffing shortage goes beyond holding employers

accountable and keeping California workers safe. It also has a dramatic negative effect on its own workforce.

Cal-OSHA employees describe a strained and short-handed workplace that rewards those who keep their heads down and churn through cases. Cal-OSHA's overall vacancy rate hovers around 34%, according to a Bee analysis of staffing data. But among the "compliance safety and health officers" who perform on-site inspections, that rate jumps to 37%, [Cal-OSHA data shows](#).

The resulting department – a shell of its ideal self – triages cases and maintains the appearance of "doing more with less" at the expense of California workers' health and safety. Cal-OSHA personnel say those who resist or criticize the triage mindset mark themselves as targets for ire or retaliation from departmental leadership. Employees say these intimidation tactics stifle accountability.

"If you complain, if you push back, you will get fired," said one safety engineer who spoke on the condition of anonymity to discuss the internal workplace culture at Cal-OSHA and DIR. "They will blow their whole budget on retaliation."

DIR spokesperson Peter Melton said the department takes employee concerns "seriously" and has a whistleblower policy in place.

"Our Chief Auditor reviews employees' reports carefully and takes appropriate action," said Peter Melton, DIR spokesman. "Anyone on our team who has a concern or complaint can raise them without fear of retaliation."

Vacancies plague Cal-OSHA safety inspector positions. Some districts only staffed at 50%

Compliance safety and health officers, known as CSHOs, respond to employee complaints and investigate workplace accidents. High vacancy rates mean existing staff are stretched thin with extra case work. As a result, current and former employees say, Cal-OSHA conducts fewer and less-thorough inspections, issues fewer citations and leaves employees and employers waiting longer for answers.

Vacancy rate

< 30% 30%–40% 40%–50% 50%–60% ≥ 60%



Source: California Department of Industrial Relations, Division of Occupational Health and Safety (Cal-OSHA) • [Get the data](#)

Over time, the crushing workload and subsequent low morale have resulted in “brain drain” with experienced workers burning out faster than the department can replace them.

For example, the Cal-OSHA enforcement branch, which inspects worksites and issues citations among other duties, lost 49 people between Jan. 1, 2021 and Jan. 31, 2024, according to the [latest available data](#).

The staffing shortage isn’t a new problem. In fact, the division has struggled with

vacancies and low morale for decades, retired employees say.

Under Wides's leadership, Brown embarked on a listening tour in 2011 and interviewed personnel at several district offices to learn how Cal-OSHA could better support its staff. The [challenges outlined in his report](#) still persist today, more than a decade later.

“Perhaps the most corrosive belief revealed in the interviews was the widespread opinion that Division staff, in the past, have been routinely treated with disrespect, severely criticized, and almost never supported or appreciated by managers and staff at higher levels in the organizational structure,” Brown wrote in his 2011 summary of the listening tour's findings.

“In addition to a lack of positive feedback, supportive and professional interactions,” Brown wrote, “many interviewed employees described an atmosphere of constant ‘crisis management.’”

**Anyone on our team who has a concern
or complaint can raise them without fear
of retaliation.**

Peter Melton, DIR spokesperson

Understaffing meant the existing safety inspectors were under intense pressure to open and close cases quickly.

“It's a numbers game. That's all it is, really,” said Regina Quesada, a retired office technician who worked in the Concord district office for close to 20 years. Quesada retired in 2020. “You want your office to shine.”

Part of Quesada's duties included running reports each month that showed when cases were opened and whether they'd been closed yet. If an inspector had a case

that was approaching [the six-month statute of limitations](#), Quesada would give them a heads up.

She described a culture that rewarded churn over quality.

“The district managers would have their meetings and they say, ‘Oh man, Sacramento did well. They opened this many cases, and these many cases were closed, and they got this much money,’” Quesada said. “They would shine, and the manager would be all happy because their office was doing well, whereas others were not.”



Illustration by Rachel Handley

‘A Kafkaesque process’: Cal-OSHA’s hiring fiasco

If the problem at Cal-OSHA is understaffing, the solution is simple: Hire more people. Sounds simple, in theory. But in practice, it’s anything but.

California's [merit-based hiring process](#) is notoriously slow. It's so slow that [one private career coach advises her clients](#) to apply to 20 jobs a week. She warns them to not be surprised if they only receive interviews from one or two postings – or none at all.

But the situation at Cal-OSHA goes layers deeper than the typical sluggishness of state hiring.

Despite renewed efforts to double down on recruitment, Cal-OSHA's highly stringent and overly bureaucratic hiring process makes the state harder to access and far less competitive compared to other job opportunities in the private sector.

Cora Gherga lived this nightmare.

Toward the end of her 27-year Cal-OSHA career, Gherga said she would often work 12-hour days, including weekends, as she scrambled to hire safety inspectors.

Despite her effort, Gherga kept hitting roadblocks. She recalls how the DIR human resources department directed her to create hiring materials, but then rejected her submissions with little more explanation than, "This isn't good enough." Sometimes the hiring packets "went into a black hole for a week" before she heard back. She was told that, as a hiring manager, she couldn't directly contact DIR human resources. Instead, she had to go through Cal-OSHA's administrative team.

"It's a Kafkaesque process, hiring. It's nightmarish," said Gherga, a former industrial hygienist, manager and assistant chief for enforcement. "I personally could barely hire two or three people."

A past case of nepotism is largely to blame.

If there was one thing that kept me awake every night, it was worrying about an illegal hire.

Katie Hagen, DIR Director

The Department of Industrial Relations lost its authority to hire in 2019. [Audits and investigations](#) found that Christine Baker, former DIR director, and her subordinates [engaged in unfair hiring practices](#) that benefited Baker's daughter and a personal friend.

The department earned back its ability to hire in March 2021. By then, Baker's successor, Hagen, said she was already trying to steer the ship in a better direction. She highlighted her own background in human resources as an asset.

"Since I arrived on the day of the stay-at-home-order for COVID, I've been trying to put the pieces back together and improve the hiring process," Hagen told The Bee in an interview. "We have been very actively hiring."

Hagen concluded that DIR's human resources team overcompensated after losing its ability to hire. They "really dug in on the rules" to make sure the department was precisely following all the state's hiring laws. Hagen says she and her leadership team are working to "bring us back to center."

"I get why folks overcorrected," Hagen told The Bee. "Trust me, I used to be an HR practitioner many years ago, and if there was one thing that kept me awake every night, it was worrying about an illegal hire."

As of Nov. 30, DIR had seven vacant "personnel specialist" positions in its human resources department. With 16 total positions, that translates to a nearly 44% vacancy rate for that role. The department also only has one senior personnel specialist.

Put another way, the very people tasked with fixing Cal-OSHA’s staffing crisis are, themselves, understaffed.

For field inspector roles, the department almost always receives fewer applications than the number of open positions. In the last 36 months, there were only six months in which applications outnumbered open positions.

Cal-OSHA received less than one application per safety inspector job posting over the last three years

Compliance safety and health inspectors form the backbone of Cal-OSHA's enforcement team. Yet Cal-OSHA hasn't been able to attract as many applicants as they need to fill these positions (which include all levels of industrial hygienists and safety engineers).



Source: CalCareers application data, California Department of Human Resources • [Get the data](#)

Gherga contends that Cal-OSHA missed out on exceptional candidates simply due to the lengthy hiring timeline. Sometimes it took so long for DIR human resources to review and approve a hire – weeks to multiple months – that by the time she made the offer, the person had moved on and accepted another opportunity.

“It didn’t feel like we had support from the department,” Gherga said. “I didn’t think I could make a difference anymore.”

Before someone in Gherga’s position can interview candidates though, those people have to want to work for Cal-OSHA. And they have to know how to navigate the state’s convoluted application process.

More Cal-OSHA coverage



Want to work for Cal-OSHA? Here are the current job openings, salary info and how to apply

The demand for safety professionals far outpaces the supply of qualified applicants, says Yousif Abulhassan, a Sacramento State professor who advises students within the university's [Occupational Health and Safety program](#). Most of his students graduate with at least one or two offers in hand.

“That’s a great thing for students pursuing a degree in this area,” Abulhassan said. “However, that also makes it challenging in terms of employers trying to recruit and, essentially, making these jobs lucrative for early career professionals to join.”

Abulhassan tells his students that working for Cal-OSHA is a great way to gain experience and familiarity with a wide variety of regulations. Then, once they refine their interests further, they could specialize in a specific industry.

But typically, pay is the deciding factor for students when choosing where to work, Abulhassan said. One of the highest paying sectors for young safety professionals is the oil and gas industry, where he estimates that fresh graduates can net a six-figure starting salary. Comparatively, the salary range for Cal-OSHA’s entry-level safety engineering job tops out at less than \$90,000 a year. The top range for a junior industrial hygienist is less than \$75,000.

“There is a significant gap in these salaries,” Abulhassan said. “I think that’s what makes it challenging for students to go work for OSHA.”

I want to keep people safe.

Isabella Sandoval, Sacramento State occupational
safety and health student

Still, there are young aspiring safety professionals whose career goals include

working for Cal-OSHA. Isabella Sandoval, one of Abulhassan's students, said she plans to work for a few years in private industry and gain enough experience to obtain her "Certified Safety Professional" credential before applying for jobs with Cal-OSHA.

Various members of Sandoval's family work in construction, and several of them – including her father and brother – have suffered work-related injuries.

"There's a lot of people like my family that aren't being taken care of, or are underrepresented, and I really want to make sure that they can come home safe to their families so that they don't have to go through what my family went through," Sandoval said. "I want to keep people safe."

When asked how Cal-OSHA's understaffing might affect her decision, Sandoval said she was still all in.

"It just sounds like work that needs to get done," she said. "Let's go."

Despite her strong interest, Sandoval hasn't had the chance to network with anyone from the division. Her professors frequently bring in guest speakers who often open doors to internship and job opportunities for students.

Sandoval, however, doesn't recall anyone from Cal-OSHA ever coming to her classes to recruit.

A tight state budget isn't the issue

Money is often the limiting factor when it comes to filling positions quickly. It's no secret that businesses – and the State of California – choose to keep positions unfilled for budgetary reasons.

But that's certainly not the case for Cal-OSHA.

Hagen told The Bee the division has received more than 180 authorized positions in the last four state budget cycles, which she described as "a lot for a program their

size.”

Furthermore, even with the projected \$38 billion budget gap that the Newsom administration announced last month, Cal-OSHA’s funding comes from sources other than the state’s General Fund. A surcharge on employees’ workers compensation insurance premiums pays a large share of the salaries for Cal-OSHA’s enforcement personnel.

For a particularly puzzling staffing situation, look no further than Cal-OSHA’s Process Safety Management Division – a branch that monitors the state’s refineries and chemical plants.

The Legislature significantly expanded the PSM’s responsibilities after a 2012 Chevron refinery fire sent an estimated 15,000 Bay Area residents to emergency rooms with respiratory complications.

In response to the disaster, then-Gov. Jerry Brown committed to improving refinery safety in California.

Where is my local OSHA office?



REGION 1

San Francisco, Fremont/San Jose, Foster City, Oakland, American Canyon

REGION 2

Sacramento, Modesto, Fresno, Redding

REGION 3

Santa Ana, San Diego, San Bernardino, Long Beach

REGION 4

Los Angeles, Monrovia, Van Nuys, Bakersfield

As a result, the Legislature mandated that refineries shut down periodically to perform necessary maintenance. The legislation instructed Cal-OSHA inspectors to visit each refinery during these annual “turnarounds” to observe and monitor operations.

In addition, separate legislation authorized Cal-OSHA to collect fees from the refinery industry to fund at least 15 PSM positions annually. Those industry fees generate \$4.3 million per year in funding for Cal-OSHA.

The state currently dedicates 10 safety inspectors – five based in Santa Ana and five in Concord – to refinery monitoring.

Still, despite being funded by industry, four of those 10 positions are vacant.

The PSM was also leaderless for much of the last year. Former chief Clyde Trombetta left the department in October 2022 and now oversees process safety management at the Phillips 66 refinery in Rodeo. The PSM just recently hired a new chief.

The emphasis on refinery safety is just one example of how California’s governor and legislators can spur progress if they put their minds to it.

Where there's a will, there's a way

Each current and former Cal-OSHA employee who spoke to The Bee stated there was one person who could turn the tide on the staffing issue: Gov. Gavin Newsom.

Former Gov. Brown used his political will to promote refinery safety. Similarly, Newsom has committed to protecting workers from extreme heat as climate change pushes summer temperatures dangerously high.

In public-facing communications, the governor's office [consistently touts](#) Cal-OSHA as a [key resource for protecting workers](#) from excessive heat and enforcing proper standards for employers.

But doing so requires additional resources, such as people – in this case, Cal-OSHA safety inspectors – and time, which is currently in short supply for those few safety professionals still employed by the division. Unfortunately, the well-intentioned bill that codified an indoor heat standard did not include any requirement that Cal-OSHA increase staff to handle the subsequent increase in complaints and inspections.

Still, the division adopted a [“Heat Illness Prevention Special Emphasis Program”](#) in 2022 that outlines precise duties and responsibilities for Cal-OSHA personnel from the chief all the way down to the safety inspectors. The policy gives top priority to heat-related complaints and requires inspectors to conduct on-site inspections for all outdoor heat complaints.

“All outdoor heat-related complaints (formal and non-formal) will be addressed via onsite inspection,” reads the SEP. “There shall be no investigation by letter in lieu of inspection of any alleged outdoor heat-related complaint.”

All outdoor heat-related complaints (formal and non-formal) will be addressed via onsite inspection. **There shall be no investigation by letter in lieu of inspection** of any alleged outdoor heat-related complaint. An onsite inspection must be attempted in response to any heat-related complaint that is deemed valid, even when the complainant is unknown or additional contact is not possible. See below regarding indoor heat complaints.

Source: 2022 Division of Occupational Safety and Health Heat Illness Prevention Special Emphasis Program

One current Cal-OSHA safety inspector, who spoke with The Bee on the condition of anonymity due to fears of retaliation, said staff have had to put accident-related cases on the back burner to prioritize the mandatory in-person response to heat-related complaints.

The San Bernardino office is stretched particularly thin. With only six of its 14 safety inspector positions filled, the team is left scrambling to juggle both a “staggering amount” of accident cases as well as heat-related complaints, according to an email from the manager of the district office, obtained and reviewed by The Bee.

Safety inspectors in San Bernardino are “overwhelmed and over-saturated” with cases and “cannot keep up,” wrote Michael Loupe in an email sent last May to a Cal-OSHA regional manager and a senior safety engineer. Loupe pointed out that the SEP outlines provisions in which inspectors from other districts can be reassigned to help understaffed offices like his own.

But, as the email states, “This is not happening!”

“I am not able to receive, process and assign Heat Complaints in accordance with the attached 2022 Heat SEP,” the email exchange read. “The Indoor HEAT SEP mandatory response expectation is its own *self-inflicted* crisis.”

There shall be no investigation by letter in lieu of inspection of any alleged outdoor heat-related complaint.

Cal-OSHA Heat Illness Prevention Special Emphasis Program

When reached for comment, Loupe, who did not provide the emails to The Bee, declined to elaborate further beyond what was written in the messages.

“The emails speak for themselves,” said Loupe, who is currently on stress leave and said he couldn’t comment further due to fears of retaliation from his employer.

Political will is a powerful tool that has been used before to drive Cal-OSHA’s priorities, according to Gherga, the former assistant chief of enforcement. During her time at Cal-OSHA headquarters, “There was a lot of pressure to do whatever was the hot issue of the day,” she said.

The Assembly Labor and Employment committee recently held [a more than three-hour hearing](#) during which Assemblywoman Ortega, the committee’s chair, pressed acting Cal-OSHA chief Debra Lee about what the division is doing to address its vacancies so inspectors are available to quickly respond to workers’ reports of violations.

Ortega was particularly frustrated with the inconsistencies between Lee’s remarks and testimony given by multiple California farm workers. The laborers testified that Cal-OSHA inspectors had previously been unresponsive, rude and on some occasions even tipped off employers before inspections.

“Having the acting OSHA director come in and talk about all the things that they are *planning* to do, but haven’t really *done*, and just hearing all the discrepancies in that room is what led to my comments about how infuriated and frustrated I was,”

Ortega told The Bee. She hasn't spoken directly to Cal-OSHA inspectors, but she said she has no doubts that "they're trying their best, and that this is a leadership issue."

Ultimately, if Gov. Newsom is going to continuously tout California's economic prowess, then he needs to simultaneously commit to strengthening the state's employment safety division, argues former chief Widess.

This is a leadership issue.

Assemblywoman Liz Ortega, D-Hayward, Chair of the
Assembly Labor and Employment Committee

"To remain the fifth-largest economy in the world, we need a safe and healthy workforce to make that economy run," Widess said. "And you need a strong Cal-OSHA to make that happen, to level the playing field for the good employers who are providing a safe workplace."

Widess argues that Newsom could return Cal-OSHA to its once-premier status as a national leader in worker health and safety, if only he put Cal-OSHA's leadership and staffing issues near the top of his priority list.

"There has to be a commitment at the very top," Widess said. "I hope the governor takes a good, hard look at a program that was touted to be the best in the nation."

"We've lost our gleam."

The Bee's Joe Rubin contributed to this story.

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