

June 13, 2024

Crisis Deepens for California's Worker Protection Agencies

By Garrett Brown

The crisis in California's worker protection agencies has deepened in the last week as Governor Gavin Newsom removed one pro-worker Board member, and demoted the labor representative serving as Chair, of the Occupational Safety and Health Standards Board.

Board member Laura Stock, Director of the Labor Occupational Health Program at UC Berkeley and on the Board for 12 years, was summarily dismissed by the Governor's Appointments Office on June 7th. Union official Dave Thomas was demoted from Chair and remains on the Board. The new Board chair is attorney Joseph Alioto, who has no known expertise or knowledge of workplace health and safety, but is a longtime political operative appointed to the Board by Newsom earlier this year.

The crimes committed by Stock and Thomas apparently were in opposing Newsom's efforts to further delay a regulation to protect workers from indoor heat which has been years in the making. The Governor's Appointments office told Stock that Newsom wanted her off the Board because the Governor "wants to go in a new direction."

The employer community has applauded the removal of Stock, no doubt raising Newsom's "business-friendly" status for his future political campaigns.

Meanwhile, the "new direction" in staffing Cal/OSHA's enforcement inspectorate is more vacancies among field compliance officers. According to the latest available data, on March 1, 2024, Cal/OSHA's vacancy rate for field compliance inspectors reached 39% with 109 vacancies. If the 11 compliance safety and health officer (CSHO) positions being held in reserve are included in the tally, then Cal/OSHA's inspector vacancies reach 41% with 120 CSHO vacancies.

The debilitating gaps in workplace health and safety coverage are clearest at the local level. Nine enforcement District Offices have CSHO vacancy rates at or above 40% -- Santa Ana (73%), San Francisco (66%), San Bernardino (64%) and Fremont (64%), American Canyon (55%), Bakersfield (50%) and Long Beach (50%), Sacramento (45%), and Fresno (42%).

Another three District Offices have CSHO vacancy rates between 33% and 40% -- Los Angeles, Oakland, and Foster City. This means that a dozen Cal/OSHA District Offices have crippling vacancies that severely undermine safety protections for California's 19 million workers.

The California Employment Development Department (EDD) reported the California civilian labor force in March 2024 as 19,346,200 workers. The 162.5 field-available CSHO positions represents an inspector to worker ratio of 1 inspector to 119,053 workers. Cal/OSHA's inspector to worker ratio of 1 inspector to 119,000 workers is much less health protective than Washington State's ratio of 1 to 26,000, and Oregon's ratio of 1 to 24,000.

There are also key manager vacancies with no Region III Manager (Los Angeles-Orange County), and no District Managers for the Fresno and Monrovia offices. There are two District Offices – Los Angeles and the Concord PSM – with zero clerical staff, which means that CSHOs must spend time doing administrative work.

There are only 10 field enforcement positions for PSM refinery unit covering the state's 15 oil refineries, and four of those positions are vacant.

According to the Cal/OSHA's "Organization Chart," there are only 15 CSHOs classified as "bilingual," and Region II (Central Valley) has no bilingual field inspectors.

Cal/OSHA has only six (6) industrial hygienists among field inspectors – with none in Region I (San Francisco), Region IV (Los Angeles), and the PSM unit. Industrial hygienists are needed to conduct "health" inspections to evaluate harmful exposures to hazardous chemicals, noise and heat, ergonomics and repetitive motions. Cal/OSHA has brand new standards to protect workers against airborne silica and lead, as well as heat exposures in a changing climate – but now has only extremely limited capacity to conduct effective industrial hygiene inspections.

Cal/OSHA's Legal Unit has an attorney vacancy rate of 15% (5 of 34 positions) at a time of increased employer appeals of enforcement citations requiring corrective action to protect workers.

Meanwhile, Cal/OSHA's "Bureau of Investigation" (BOI) which investigates and refers to county District Attorneys cases that trigger possible criminal charges has only one investigator for the entire state – and five vacancies. The once-feared BOI unit has lost virtually all of its deterrent impact with near-zero referrals for fatal accidents and multiple injury events.

Cal/OSHA's Consultation Service – which provides free service to employers, especially small employers unfamiliar with workplace health and safety – also has a 50% vacancy rate for field personnel (18 out of 36 positions). As new regulations go into effect, such as the recently enacted lead and silica standards, the Consultation Service will be able to assist far fewer employers.

In recent months there has been damning publicity about the years-long staffing crisis and its impact on workers in California in the *Los Angeles Times* and *Sacramento Bee*,

journalism websites CalMatters and Capital & Main, and public radio stations like KQED in San Francisco.

Nonetheless, California's Governor, Labor Secretary, and Director of the Department of Industrial Relations have failed to end the field inspector vacancy crisis and protect California workers from irresponsible employers.