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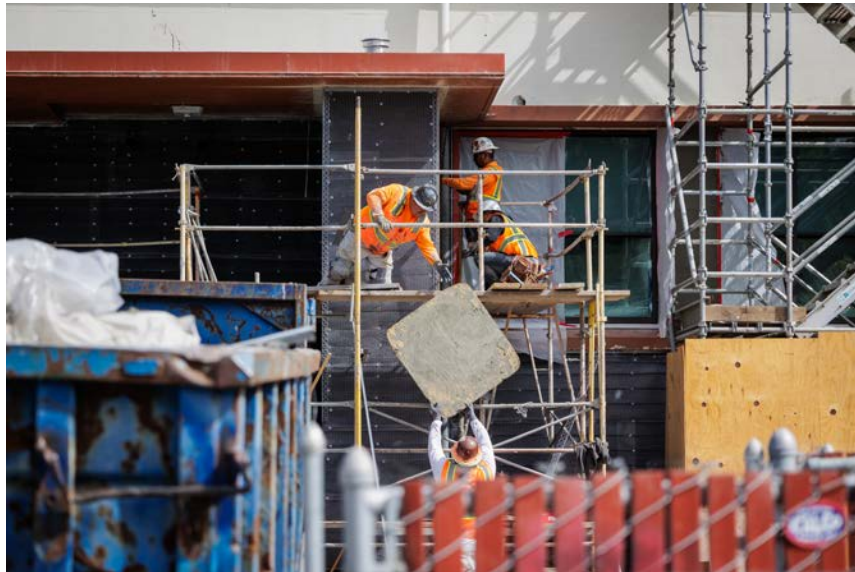
## NEWS

# California Lawmakers Slam Cal/OSHA Over Audit Showing Weak Worker Protections

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Construction workers operate atop scaffolding at Sylvia Mendez Elementary School in Berkeley on Aug. 1, 2025. A July 17 state audit found Cal/OSHA closed complaints at various job sites without confirming hazards were fixed and failed to conduct required on-site inspections, even in cases involving serious injuries. *(Martin do Nascimento/KQED)*

**California** lawmakers put top state officials tasked with protecting worker health and safety under intense fire on Wednesday for falling short of their mission, as highlighted by a recent state audit.

The hearing in Sacramento exposed deficiencies that are hampering Cal/OSHA's ability to prevent job-related deaths and injuries. The agency

failed to conduct some on-site inspections and levy appropriate fines, even when doing so would have better protected workers, **the report** published July 17 said.

The California State Auditor identified severe **staffing shortages** and outdated policies and practices as “root causes,” including handling investigations primarily on paper, which makes it difficult to track more than 12,000 complaints Cal/OSHA receives annually.

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“Employers who put workers in danger are not being held accountable,” Assemblymember Liz Ortega, D-San Leandro, told Cal/OSHA officials at the hearing, including agency Chief Debra Lee. “What I really hope my colleagues and the public understand is the severity of Cal/OSHA’s failure to protect workers.”

California has some of the nation’s strongest workplace safety laws, but advocates have **long complained** that weak enforcement leaves **employees at risk**, especially in construction, manufacturing and agriculture.



Assemblymember Liz Ortega, D-San Leandro, speaks at a rally in front of UCSF Benioff Children's Hospital in Oakland on Sept. 6, 2019. (Stephanie Lister/KQED)

Cal/OSHA, also known as the California Division of Occupational Safety and Health, is generally supposed to send inspectors to a workplace soon after receiving a report of a fatality, serious injury or danger. On-site inspections can result in fines for the employer if violations are found. Less serious hazards are often addressed through letters asking employers to self-investigate and correct issues, without monetary penalties.

The auditor found Cal/OSHA closed complaints and accident reports without verifying employers had fixed safety hazards and declined to conduct on-site inspections even when state law likely required them. Some cases involved serious injuries, including a chainsaw laceration resulting in

surgery and weeks of recovery, and a skull fracture rendering a worker unconscious for several minutes.

The agency also reduced penalties without documenting a rationale. In one case, a forklift accident that caused a worker's death resulted in a \$21,000 fine, though penalties could have been twice as high, according to the audit, which reviewed 60 complaints and accident files handled by Cal/OSHA between 2019 and 2024.

Staffing was another major issue. The agency had 32% of its positions unfilled last year, but vacancies were more severe in enforcement, where critical industrial hygienist positions were 81% unfilled.

California State Auditor Grant Parks told lawmakers that the agency needs enough staff, clear policies and systems to monitor employee performance.



“The problems that Cal-OSHA is facing is really a sort of a three-legged stool,” Parks said. “And currently, we don’t have any of those three legs fully fleshed out, in our opinion.”

➡ **California OSHA Inspectors Don't Visit Worksites Even When Workers Are Injured**

State Sen. Lola Smallwood-Cuevas, D-Los Angeles, chair of the Senate Labor, Public Employment and Retirement Committee, said lawmakers must ensure Cal/OSHA implements needed changes.

“It’s incredible that an agency that has been around for decades doesn’t have any legs to its stool,” she said.

Lee, a 30-year employee at Cal/OSHA before she was appointed by Gov. Gavin Newsom to head the agency in 2024, seemed at times nervous and tepid in her responses. At one point, she referred to a manual before responding to a question by Ortega about when the agency refers cases for criminal prosecution.

Ortega repeatedly cited three workers who died after being crushed by machinery at a metal manufacturing and recycling plant in her district, without sufficient consequences for the employer.



Construction at Sylvia Mendez Elementary School in Berkeley on Aug. 1, 2025. (Martin do Nascimento/KQED)

“When do you decide that it’s time to hold an employer accountable? Is it after the first death? Is it the second death? Is it after the third death?” Ortega asked.

Lee quoted related labor codes but acknowledged that the agency does not yet have a clear policy for referring cases to district attorneys.

“I acknowledge the audit’s findings and their recommendations, which makes it clear and certain that improvements are needed at Cal/OSHA,” Lee said. “My priority is to improve the lives of California workers and empower employers to provide a safe workplace. In fact, under my leadership, Cal/OSHA was already working to fix issues identified by the state auditor.”

Records show the agency issued progressively stiffer **penalties** against San Leandro-based Alco Iron & Metal Co., the workplace Ortega referred to: \$7,000 for a 2017 worker fatality, \$18,185 for a second death in 2022, and \$95,500 for a third earlier this year. It is unclear whether the company has paid the fines. Cal/OSHA did not immediately respond to requests for more information.

In an email, Michael Bercovic, chief operating officer at Alco Iron & Metal, declined to comment on the two most recent fatalities, which remain under investigation and in legal proceedings. He said that the 2017 accident was caused by a manufacturer’s design flaw in the equipment that crushed the worker.

“The employee’s family filed a lawsuit against the equipment manufacturer, and they reached a settlement prior to trial,” he said.

Cal/OSHA has prioritized hiring, reducing its overall vacancy rate to 12% this year after eliminating 66 positions due to budget cuts, according to Lee. Vacancies remain higher in enforcement, with 30% of field staff positions unfilled, a spokesperson said.

The agency is modernizing operations with a new electronic data



management system that spokesperson Daniel Lopez called the “biggest technology project” in Cal/OSHA’s history. Officials said it will help collect and standardize information.

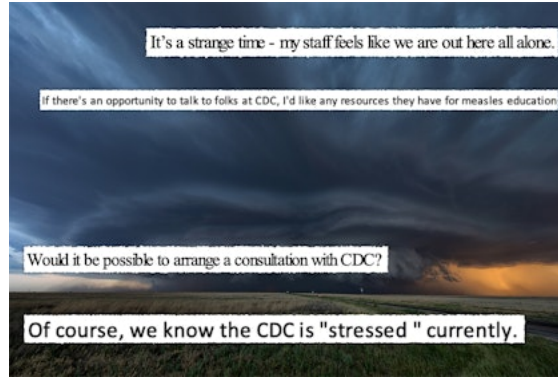
The state auditor’s office plans to follow up on Cal/OSHA’s progress next month.

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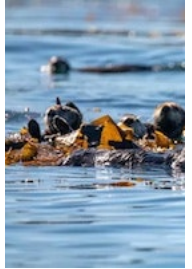


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