

POLITICS

# California OSHA inspectors don't visit worksites even when workers are injured



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Farmworkers harvest banana peppers at a farm near the town of Helm on July 1, 2025. Photo by Larry Valenzuela, CalMatters/CatchLight Local

## IN SUMMARY

Nearly a third of Cal/OSHA positions were vacant last year. A new state audit found that caused the agency to skip in-person inspections, even when workers were injured.

California's worker safety agency is under-inspecting workplaces after accidents and worker injuries, failing to enforce labor regulations in a way that "may undermine" them because it does not have enough employees to do the inspections, a state audit found.

In a [review](#) of the California Division of Occupational Safety and Health published Thursday, state auditors found understaffing was a primary factor leading inspectors to skip in-person inspections of worksites even in cases where auditors found — and division managers agreed — it was likely warranted.

Nearly one-third of the division's 800-plus positions were vacant last year, a rate that is even worse in some district offices and among some of the staff responsible for inspections and enforcement.

"When it does perform inspections, Cal/OSHA's process has critical weaknesses," state auditor Grant Parks wrote.

The weaknesses, he wrote, included inspectors failing to review employers' required injury prevention plans, document notes from interviews with workers, initiate inspections quickly and ensure employers had addressed alleged hazards before closing a case file.

State law allows Cal/OSHA to inspect workplaces in-person proactively, after accidents or in response to a complaint. But it only mandates inspections for workplace deaths or "serious" accidents, generally defined as those requiring inpatient hospital care or resulting in "serious permanent disfiguration."

Enforcement staff first determine if the complaints are valid, and then often choose to [inspect "by letter"](#) instead, which involves writing to employers asking them to investigate the complaints themselves and document how they've addressed hazards.

Last year out of more than 12,000 complaints, the agency found 87% valid; staff inspected just 17% of those workplaces in person rather than investigating "by letter." Out of 5,800 workplace accidents, the

agency deemed 42% serious enough to send an inspector.

Auditors found staff didn't always investigate a complaint or inspect a worksite when they should have.

In one case, a union representative filed a complaint saying that construction workers were riding on heavy machinery on the road with no seat belts, and another worker was hanging off the side of the vehicle, in danger of falling and being hit in oncoming traffic. Cal/OSHA declined to investigate because the incident was on a public road and therefore outside the agency's jurisdiction. But the audit found the agency should have opened the complaint because workers were riding in a company vehicle — activity covered by workplace safety regulations.

Auditors reviewed another complaint from a kitchen worker who was taken to the ER by ambulance, possibly from heat illness. The worker reported poor ventilation, broken air conditioning and temperatures that reached 90 degrees indoors. Despite agency policies requiring on-site inspections for serious hazards involving current employees, and for any heat-related complaints, Cal/OSHA sent the employer a letter. Auditors reviewing the case records found the employer had not responded.

### **Serious injuries investigated by letter**

The audit also highlighted two injuries that Cal/OSHA said weren't "serious" enough to inspect in person; in one, a worker was cut by a chainsaw, requiring surgery and an overnight hospital stay, and in another a worker was knocked out when hit in the head and suffered a skull fracture, but was not formally admitted to the hospital.

In the chainsaw case, managers told auditors the worker was wearing protective equipment so there was less reason to suspect workplace violations. In general, the audit found that managers overwhelmingly reported understaffing as the reason for not inspecting.

The agency, the audit noted, doesn't have a complaint form on its website. To file a complaint, workers must call or email a Cal/OSHA district office, or fill out a complaint form on the federal OSHA website.

The audit places further pressure on Cal/OSHA and its beleaguered parent agency, the Department of Industrial Relations, to deal with a trenchant staffing problem that advocates and lawmakers say

renders some of the strictest worker protections in the nation toothless.

It comes a year after [a similar audit of the Labor Commissioner's Office](#), also a part of that department, which found workers complaining to the agency about wage theft were waiting more than two years on average to get their claims resolved — six times longer than the time required by law.

Both audits were ordered by state lawmakers, who are by now familiar with the understaffing complaints. [One bill](#) this year would require the department to study how to make more appealing career paths for the inspector positions, some of which require engineering degrees.

Stephen Knight, director of the advocacy group Worksafe, called the audit's findings "really disappointing."

"It confirms that California's promise to hold employers accountable remains unfulfilled," Knight said. "There's a lot of good solid detail and suggestions in the audit, nothing they couldn't have figured out beforehand. Certainly what it would require is resources and political leadership that sides with workers over corner-cutting employers."

The problem is urgent, he said, noting workplace accidents have killed three teenagers in California just the past two weeks: one [who fell into a meat grinder](#) at a burrito factory in Los Angeles County and two who died [in a fireworks warehouse explosion](#) in rural Yolo County.

The workplace agency has been the subject of several investigations in recent years. Last year [the Sacramento Bee found](#) the division of Cal/OSHA that recommends cases for criminal prosecution was so understaffed it couldn't even consider cases in which workers suffered severe but nonfatal accidents, such as ones that caused paralysis. CalMatters last year reported that the agency's inspections and citations of heat-related hazards had [plummeted since the pandemic](#), despite the rising risks of extreme heat for outdoor workers.

In a letter dated June 27 responding to the audit, Department of Industrial Relations director Katrina Hagen wrote that the department "has been working to address structural and process issues, as well as recruitment and retention issues," including studying the agency's pay and job responsibility levels. Hagen wrote that Cal/OSHA's vacancy rate had dropped to 12% this year; the auditor responded they hadn't seen up-to-date data showing that.

Hagen also wrote that Cal/OSHA is working on making an online complaint form, and said the agency is getting a new case management system that will flag cases that should have gotten an in-person inspection, but didn't. Both upgrades, she wrote, are expected in 2027.

### **‘What’s the point?’**

The audit also questioned Cal/OSHA's practice of reducing the fines it issued to employers after citing them for safety violations. Employers often appeal citations, a process that can take years to resolve, and the fines or violations can be reduced during settlement conferences, but the auditors wrote that the reasons aren't always documented. In a four-year period reviewed by auditors, the average reduction was more than half the original fine.

Assembly Labor Committee Chair [Liz Ortega](#), a Hayward Democrat who requested the audit last year, slammed the practice.

“This Cal/OSHA standard operating procedure can stop TODAY,” she wrote in response to a query from CalMatters. “Injuries won't abate until there are consequences. If Cal/OSHA won't do it, we should get someone who will.”

She said she wanted to see the agency increase its referrals for criminal prosecution to 5% of serious cases this year, and called the investigations that don't include in-person inspections “fake.”

“Sending a letter!!!” Ortega wrote. “What’s the point?”

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