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BY E-MAIL ONLY

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Dear Governor Brown:

Re: Understaffing at Cal/OSHA

In response to the recent report released by Garrett Brown and press coverage regarding understaffing at Cal/OSHA, I suspect that DIR Director Baker may attempt to lay blame for this situation on staff at Cal/OSHA. The facts below are documented in DIR's and Cal/OSHA's files.

Throughout my administration as Chief of Cal/OSHA (April 2011 to September 2013), I provided Director Baker with frequent and detailed reports of the understaffing within the agency and explained how it limited our ability to fulfill our statutory mandates to ensure the protection of California's workers and public safety in elevators, amusement rides and ski lifts. Ms. Baker was provided numerous workload assessments for worker safety enforcement and public safety responsibilities to document the understaffing and its consequences. These reports were compiled by Cal/OSHA's Deputy Chiefs, the staff most knowledgeable about field operations requirements and mandates. I vetted these reports to ensure they were accurate and supported.

I also prepared detailed Budget Change Proposals (BCP's) documenting the serious understaffing in worker health and safety field enforcement, tower crane safety (essential for the rebounding construction industry), mining and tunneling safety (to meet mandates to inspect all mines and address major tunneling projects in San Francisco, Los Angeles, and other cities), and public safety for elevators and amusement rides. In every case, Director Baker told us these BCP's could not advance because "the Governor wants to keep the size of government small" and Cal/OSHA needs to "do more with less." Her responses were unchanged when I explained that the additional staff costs would not come out of the General Fund.

The money would come from Federal OSHA or fee payers expecting services they paid for. The Elevator Fund currently has a substantial surplus despite the backlog in necessary inspections created by the understaffing.

Several times Director Baker told me to fill the critical vacancies created by increasing retirements of the Cal/OSHA staff. But each time, she rescinded these directives and told me I could not hire any new staff. I repeatedly warned her of the rapid loss through retirement of the most experienced and knowledgeable staff in Cal/OSHA, and that hiring was essential to train and mentor the next generation of inspectors.

Following the Chevron Richmond fire and explosion, I briefed you and Secretary Morgenstern about the understaffing of Cal/OSHA's refinery safety program. This conversation, on Thanksgiving Day 2012, occurred long before the Governor's Task Force Report on Refinery Safety was issued. Director Baker was aware of this. In my 2011 and 2012 conversations with you and then Legislative Director Lanier about the UFW bills and the Bautista lawsuit about farmworker heat illness, I described the impact of our expanded heat inspections on the scarce field inspector resources of Cal/OSHA. Director Baker was also aware of these discussions.

In addition, Federal OSHA has repeatedly concluded in each of its evaluations of Cal/OSHA's performance (in 2011, 2012 and 2013) that Cal/OSHA is significantly understaffed and failing to meet its many mandates. As the official responsible for California's State OSHA Plan, Director Baker was fully briefed on each Fed OSHA report and personally authored the State's responses to Federal OSHA.

Finally, in several recent press accounts and at the most recent Cal/OHSA Advisory Committee meeting, Director Baker misrepresented and overstated the number of Cal/OSHA enforcement staff. Garrett Brown's numbers are correct.

As a former employee, I no longer have access to the memos, workload assessments and other reports and briefings to Director Baker, but these are available to you to confirm the accuracy of what I've written here.

Respectfully,



Ellen Widess

CC: David Lanier, Secretary of Labor and Workforce Development Agency