

From: DIR Director's Office
Sent: Wednesday, September 04, 2013 11:07 AM
To: DIR Employees
Subject: Message to employees

Message to DOSH employees:

Department of Industrial Relations' Director Christine Baker announced today that Ellen Widess announced her resignation as Cal/OSHA Chief, effective immediately. Ms. Widess noted that she is proud to have led the dedicated women and men of Cal/OSHA. She will continue as Special Advisor to Director Baker.

Director Baker expressed the Administration's appreciation for Ms. Widess' excellent service. Juliann Sum, Special Advisor to Director Baker, has been assigned to serve as Acting Chief of Cal/OSHA. DIR is conducting meetings with Cal/OSHA managers and staff to ensure a smooth transition.

From: Windmon, Gretta@DIR
Sent: Wednesday, September 04, 2013 11:16 AM
To: Carleson, Wende@DIR; Estakhri, William@DIR; Grossgart, Chris@DIR; Hart, Steve@DIR; Lee, Debra@DIR; Lopes, Jim@DIR; Riley, Peter@DIR; Adan, Hassan@DIR; Calderon, Juan@DIR; Caynak, John@DIR; Derham, Kathy@DIR; Drew, Laura@DIR; Fabricante, Abigail@DIR; Fazlollahi, Richard@DIR; Frye, Michael@DIR; Garner, Kathy@DIR; Gomez, Efren@DIR; Goodman, Marcie@DIR; Hami, Jan@DIR; Henze, Jim@DIR; Hsieh, Clement@DIR; Kim, Barbara@DIR; Loupe, Michael@DIR; Matta, Lisa@DIR; Miller, Michael@DIR; Minea, Andreea@DIR; Nelmidia, Michael@DIR; Patterson, Douglas@DIR; Ryel, Jim@DIR; Shiblak, Ayman@DIR; Trombettas, Clyde@DIR; Walker, Jerry@DIR; Weiss, Jon@DIR; Wittry, James@DIR; Bell, Patrick@DIR; Cook, Don@DIR; Smith, Steve C.@DIR; Tirona, Jovic@DIR; Tudor, Debra@DIR
Cc: Baker, Christine@DIR; Gherga, Cora@DIR; Martin, Amy@DIR; Marria, Suzanne@DIR; Brown, Garrett@DIR; Heza, Vicky@DIR; Lopes, Jim@DIR; Michael, Angela@DIR; Christy, Lynda@DIR; Gold, Deborah@DIR; Lee, Debra@DIR; Riley, Peter@DIR
Subject: All Cal/OSHA Staff

September 4, 2013

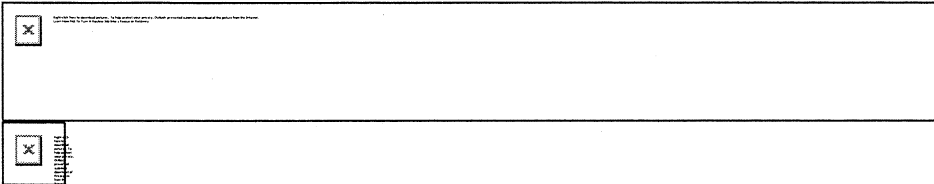
From: Ellen Widess
To: All Cal/OSHA staff


I write to let you know that I am resigning as Chief of Cal/OSHA effective today. I will be taking on a new position as Special Advisor to the Director of the Department of Industrial Relations. You will be hearing more from the Director's office about the transition for the Division.

I want to express my deep appreciation to all of you for your dedication and commitment to worker protection. It has been a pleasure and honor to work with all of you for the past two and a half years. I am proud of the many accomplishments that Cal/OSHA has achieved during my administration--effective enforcement, enhanced consultation, strengthened standards, greater public safety protection, and more.

My heartfelt thanks to you all, and my best wishes for the continued progress of Cal/OSHA in ensuring that all workers in California have a safe and healthy workplace and that both workers and employers have the best tools to prevent injuries and illnesses.

****Please forward this message to your staff****

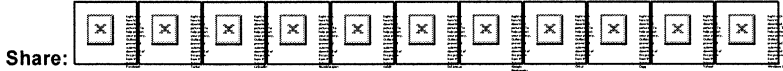


 Get Your Own

Wednesday, September 4, 2013

FLASH REPORT!

Widess Out at Cal/OSHA - Community Cheering



Ellen Widess, chief of the Division of Occupational Safety and Health at the beginning of Gov. Jerry Brown's administration, has resigned her post mid-term, effective immediately. Widess was widely unpopular with the business and labor communities and not very well respected within the agency according to multiple sources. Most business people in the Cal/OSHA community, which Cal-OSHA Reporter has spoken with, say the positions Widess has taken on AB 2774 as well as on inspections led to her unpopularity.

While no official reason has been given for her abrupt resignation, it did happen on her first day back from vacation. One labor representative told *Cal-OSHA Reporter*, "We have heard that she was asked to turn in her resignation." Both employer and labor representatives were practically jubilant at the news. In fact, employer complaints about DOSH to the governor's office are believed to have been a driving factor in Widess' resignation, s/he says.

One highly placed representative of the employer community who asked not to be identified said, "She's broken so many valuable ties with the business community, it had become a problem. As an appointee of the governor, the business community is key." Another influential member of the Cal/OSHA community sarcastically suggested to *Cal-OSHA Reporter* that the headline for the news of Widess' departure should be, "DOSH Chief Tomahawked."

But there's balance - another side. Gail Bateson, executive director of Worksafe, said her organization was blindsided by the resignation. "We were completely caught off guard. We thought Ellen was doing a really good job for the workers of California." She also expressed hope that the governor's office and state agencies will "consult with Worksafe and other worker organizations as they consider a replacement."

Juliann Sum, special advisor to Department of Industrial Relations director Christine Baker, will take over as acting chief. Widess will continue as special advisor to Baker.

-30-

Visit www.cal-oshareporter.com/Subscribe.aspx to order the premium version of the Cal-OSHA Reporter.

Legal Notice:

The editors have made efforts to ensure the accuracy of the information published in each issue. Opinions on financial, legal or other matters are those of the editors and others; professional counsel should be consulted before any action or decision based upon this material

AWARD WINNING Cal-OSHA Reporter®

CREDIBLE AUTHORITY TRUSTWORTHY

September 13, 2013 Vol. 40 No. 34 www.cal-oshareporter.com Since 1973

DOSH Chief Widess Resigns Suddenly

In a stunning development, Ellen Widess, chief of the Division of Occupational Safety and Health since early 2011, resigned her position Sept. 4, and effective immediately. The Department of Industrial Relations named Juliann Sum, a special advisor to DIR Director Christine Baker, as interim chief.

Baker also announced that Widess is staying with DIR as a special advisor to the director.

The move was unexpected, but there had been rumors of tension between Widess and Baker for months, and employer representatives have been increasingly dissatisfied with her administration.



Ellen Widess

But many, if not most, labor representatives were non-plussed by the abrupt move, seeing Widess as a strong advocate for workers.

"We were completely caught off guard," Worksafe Executive Director Gail Bateson tells *Cal-OSHA Reporter*. "We thought Ellen was doing a really good job for California workers." She added she hopes that as the governor's office considers candidates for a permanent replacement that it will consult with worker organizations.

Healdsburg attorney Fred Walter, a vocal critic of Widess' administration, disputed the notion that the business community pressured the governor's office to replace Widess. "I don't know of any employer groups" who actively sought her removal, he tells *Cal-OSHA Reporter*. Nonetheless, he says employers have been very frustrated with DOSH's direction. "She talked about transparency," but it wasn't apparent to employers, Walter says.

Reflecting a commonly held view, Walter adds that employers felt under the gun in dealing with the Division. "It was all stick and no carrot."

Sum, the new interim chief, has spent the bulk of her career helping workers understand and exercise their legal rights. An attorney and industrial hygienist, she served as project director for the Institute for Research on Labor and Employment, and was consulting attorney and IH for the Labor Occupational Health Program at the University of California, Berkeley. She also worked as an attorney for Environmental Law Foundation,

Cal/OSHA Investigations

Latest Investigations: ATV Fatalities, Falls and an Electrocution

California's Division of Occupational Safety and Health is investigating five recent workplace fatalities in locations as far-flung as Corning in the upper Sacramento Valley and Desert Hot Springs in the south end of the state.

The Corning fatality, on **Sept. 2**, involved an employee of Sunsweet Dryers. The worker had fallen from a forklift, possibly after suffering a heart attack.

The same day, an employee of Bianchi Partnership in Nelson (Butte County) was killed in an all-terrain vehicle incident. The employee had been driving the ATV in and out of a ditch, Department of Industrial Relations press officer Fred Chico reports, "then drove into another ditch when the vehicle fell over." The worker was found unconscious and taken to a local hospital, but subsequently was taken off life support.

Sept. 4: An employee of Reyes Tree Trimming in Alhambra was killed after falling from a second-story window from which he was working. The worker apparently had collapsed.

Sept. 6: A worker for Celco Construction in Desert Hot Springs was killed while changing a power pack at a school. The employee was standing on an eight-foot fiberglass step ladder to change the power pack, which provides power to the classroom, when he was electrocuted.

Sept. 7: In another ATV incident, a worker for Sunwest Fruit Co. in Traver, Tulare County, was killed when his vehicle collided with another employee who was operating a pickup truck.

IN THIS ISSUE

NEWS

00-10673 to 00-10608

- Reader Response to Widess Resignation Flash
- DOSH Issues Citations in Worker Fatality Cases
- "Other Excavations" Revisions Finalized
- VPP Symposium to Honor Craig Marshall

DECISIONS

40-6975 to 40-6978

- Roebelen Contracting, Inc.
- Bay Area Rapid Transit

Widess Resigns continued on page 10680

It is 4,547 days since our last lost-time accident.

*Now in Title 8***Internal Combustion Fixes Finalized**

By a majority vote following a public hearing the following revisions to a Title 8 safety order have been adopted by the Cal/OSH Standards Board. They have been approved by the Office of Administrative Law and now are in the California Code of Regulations.

INTERNAL COMBUSTION ENGINE-DRIVEN EQUIPMENT (TECHNICAL AMENDMENTS): Revisions to Construction Safety Orders §1533 were heard at the June 20, 2013, public hearing, adopted July 18, 2013, and are effective Oct. 1, 2013.

The change is based on a 2012 Cal/OSH Standards Board revision to ensure ventilation safety in shafts, culverts and pipelines, including the term "other excavations" to make sure all workers were covered. But the undefined phrase drew the ire of employer representatives.

The 2012 revision was necessary, the Division of Occupational Safety and Health says, because previous requirements for internal combustion engines applied only to work inside buildings or enclosed structures, but were silent on ventilation for shafts 20 feet or less, or construction-related excavations. The revisions require employers to use a ventilation system that supplies specific amounts of fresh air.

But asked if the new provisions could be applied to extreme situations by DOSH inspectors, such as trenches less than five feet deep where a gas-powered device is being used, staff said that if there is a potential for the buildup of gases, employers have to take measures to prevent it.

In proposing the new revision, staff acknowledged that in the absence of a definition of "other excavations" in CSO §1533(a) and (b), the phrase "imposes a duty to comply beyond the intent of the standard" and struck it.

The revision also includes technical amendments that refine the application of the mechanical ventilation standards in §1533, cross referencing to existing air quality standards for excavations deeper than four feet in §1541.

The changes to §1533 are as follows:

"(b) When internal combustion engine-driven equipment is operated in shafts that are 20 feet or less in depth into which employees enter, culverts into which employees enter, or pipelines or other excavations are 20 feet or less in depth and into which employees enter and when a hazardous atmosphere exists or could be reasonably expected to exist, when internal combustion engine-driven equipment is operated therein, a mechanical ventilation system shall be provided to prevent exposure to the internal combustion engine's emissions...

"(c) When internal combustion engine-driven equipment is operated in excavations that are greater than 4 feet in depth into which employees enter, and a hazardous atmosphere

exists or could be reasonably expected to exist, employees shall be protected in accordance with the requirements of Section 1541(g)."

Widess Resigns

continued from page 10673

and as an IH and business representative for International Brotherhood of Electrical Workers Local 1245.

She earned a law degree from Hastings College of the Law, a master of science degree in environmental health sciences from the Harvard School of Public Health, and a bachelor's degree in biophysics from Brown University.

Sum is considered a close confidant of DIR's Baker, who said the new chief's focus will be on prevention – "strong enforcement, compliance, outreach and education." She also thanked Widess for her "dedicated service" and said she looks forward to Widess' "knowledgeable advice" in her new role. At press time, Widess could not be reached for comment on her resignation.

Cal-OSHA Reporter posed a number of questions to DIR in the wake of the resignation, including:

- What was the reason?
- Was Widess asked to resign?
- What will be her duties as special advisor to Baker?
- Is Sum being considered as a permanent replacement?
- Is DIR looking to go in a different direction with DOSH?
- And is this the first time a DOSH chief has resigned mid-term?

DIR Lead Public Information Officer Erika Monterroza responds that Widess resigned for "personal reasons" and had no comment on reports that Widess was asked to resign. Her duties as special advisor will include "special projects" for the director, Monterroza added, specifically research.

DIR does "not know at this time" if Sum is being considered as a permanent replacement. As for a report that DIR has said it wants to go in a "different direction" with the Division, Monterroza said the department "wants to listen to the stakeholders, but our efforts will focus on prevention, enforcement, outreach and education."

Monterroza had no information about other DOSH chiefs who have resigned mid-term, but it appears at least one had done so, in the mid-1980s.

*Letters to the Editor***Firing Back on Winess Flash**

Cal-OSHA Reporter received a flood of emails and calls about our Sept. 5 Flash Report on the "resignation" as one of them put it, of Ellen Winess as chief of the Division of Occupational Safety and Health.

Many criticized the flash as mean-spirited and kicking the deposed chief when she was down. Others were complementary about our coverage including one who said s/he was "dancing a jig." We have chosen to publish only the negative because their authors deserve to be heard as part of the community. We can take the criticism. Here's what they had to say, and a response at the end from our publisher, J Dale Debber:

"Saying Goodbye to Our Leader"

Loyalty, commitment, empathy and passion are qualities that I greatly admire in a leader. These qualities personify Ellen Winess. I was saddened by the news of her resignation. I truly felt she was coming into her own and learning to walk the tightrope that all public servants must navigate (if they prefer survival to suicide).

The first time I met Ellen, at a senior management meeting, I asked why she turned down my travel request for our training team to teach Washington State compliance officers the fundamentals of Process Safety Management. Ellen cited budgetary constraints. I reiterated my position, and she agreed to re-consider the request. A week later she consented to the travel proposal. I asked what had changed her mind, and she told me that "I thought about what you said and I think it's a good idea." From that moment forward I knew the Division had a Chief who would actually listen.

I was troubled by the news flashes and blogs that appeared so quickly after her resignation. One stated "She's broken so many valuable ties with the business community, it had become a problem." Another wrote that "Winess was seen by employers as fostering a divisive atmosphere in California's safety and health community."

I reviewed a letter of support from the California Independent Petroleum Association (CIPA) which endorsed Ellen's confirmation as chief. The CIPA states in part "Ellen has proven to be an effective advocate for the oil and gas industry." One of the largest businesses in

California, and not given to hyperbole. Yet another major business, Wineshipping, LLC, supported her confirmation. In her current role, Ellen has proven to be an effective advocate for workers' safety and health, and a supporter of free enterprise throughout the state. This doesn't sound like someone creating a divisive atmosphere to me.

Then, there is this statement: "Winess was widely unpopular with the business and labor communities." Yet, I have unequivocal letters of support for Ellen's confirmation from a number of unions, including, but not limited to, The United Steelworkers and the IBEW, both of which have praised her advocacy on behalf of California labor.

For those of us who work at the Division, we understand that leadership inevitably creates detractors. But change, real change, emerges from conflict. A true leader must stay the course. For us in the Division that course is worker health and safety first and foremost. There cannot be too much compromise when it comes to protecting employees while at work. Ellen was a force for good and the strongest advocate I know when it came to worker health and safety.

*Clyde J. Trombetta,
Resident of Martinez*

"She was Well Respected"

I strongly disagree with the *Cal-OSHA Reporter's* article insulting Ellen Winess on the day of her resignation. She was well respected by a great many of us Cal/OSHA CSHOs and she worked extremely hard to protect workers. It is rare to have someone so dedicated to worker health and safety as the Chief of Cal/OSHA. I believe she was insulted by the *Cal-OSHA Reporter* because worker health and safety was more important to her than politics. You owe Ellen Winess an apology for the slanderous article.

*Eric Berg
Concord resident*

"One-Sided and Biased"

I am shocked at the mean spirited tone of this news item. Ellen Winess was well liked and respected by many in



Cal-OSHA Reporter®

CREDIBLE AUTHORITATIVE TRUSTWORTHY

News Desk	916-276-7704
News Desk Facsimile	707-664-8749
Main Office	916-774-4000
Main Office Facsimile	916-596-2167
Publisher	J Dale Debber
Editor	Kevin Thompson
Digest Editor	Richard Waldinger
Copy Editor	Nils Wright
Art and Web Production	Maria Galvez
Subscription and Fulfillment	Stephanie Jakubowski

© 2013 Providence Publications, LLC All Rights Reserved

Cal-OSHA Reporter (ISSN 1054-1209) Published weekly, 48 times per year, except for two weeks each in July and December/January, by Providence Publications, LLC. Licensed under a site license with pricing based upon the terms and conditions found on our website. Copyright 2012 Providence Publications, LLC. All rights reserved.

Copyright 2013 Providence Publications, LLC. All rights reserved. *Cal-OSHA Reporter* is the trademark and dba of Providence Publications, LLC.

The publisher has made every effort to ensure the accuracy of information published in each issue. Opinions on financial and legal matters are those of the publisher and others; professional counsel should be consulted before any action or decisions based upon this material is taken.

No part of this material may be reproduced or transmitted in any form or by any means, electronic, optical, mechanical, or otherwise, including photocopying or recording, satellite or facsimile transmission, or in connection with any information, image or object, storage or retrieval system without written permission from *Cal-OSHA Reporter*. Reprint price quoted upon request.

News items or corrections are welcome and may be submitted by phone or fax, or by mail.

the occupational health and safety community, particularly those in labor unions, community organizations, advocacy groups and academia. Your coverage of her sudden departure is completely disrespectful to a public servant of her tenure and qualification.

To include the phrase 'Community Cheering' in the headline is not only ludicrous but very rude. There are many worker advocates in Southern California who will greatly miss her support and guidance. Your statement that we are 'practically jubilant' at this news is more than a gross misrepresentation.

This news piece has permanently altered my opinion of the *Cal/OSHA Reporter*, which I have read for years and relied upon for valuable information. Now I will no longer be able to read your coverage of any issue without considering it extremely one sided and biased.

*Katy McNamara, CIH, Industrial Hygienist
UCLA Labor Occupational Safety & Health Program, Los Angeles*

"Spoof Article"?

This article seems to be in a bit of poor taste. While I cannot speak for her performance or her reputation I can say that I'd prefer my news stories to be neutral and allow the reader to make up their own mind.

For instance, I wouldn't mind reading that strife with the business community increased during her tenure due to the strong stance she took on workplace safety, or that she was politically at odds with widely anticipated legislation. But I don't want to read speculative statements and quotes of glee. The author of this story appears to have a clear bias, and delight, in tarnishing Ms. Widess' reputation and enhancing the agenda of special interest groups. I almost thought it was a spoof article.

Iva Seaberg

"Outside Journalistic Standards"

I found your News Flash about Ellen Widess to be well outside journalistic standards and unprofessional in both its tone and content. I was surprised to see it in the *Cal-OSHA Reporter*, which I read thoroughly and which I believe does a reasonably good job at maintaining recognized standards in reporting on the work of Cal/OSHA.

I would encourage you to draft a retraction and apology to Ms. Widess for this hasty article, which reflects poorly on your otherwise reputable publication.

*Michael Wilson
Director, Labor Occupational Health Program, UC-Berkeley*

"Grave Concerns"

I am writing to express my grave concerns about the unprofessional tone and biased and unsubstantiated claims in the title and article about Ellen Widess' resignation as Chief of Cal/OSHA. A quote from one unidentified employer representative and one unidentified labor representative do not remotely constitute grounds for concluding that she was wildly unpopular

with both communities. It is also misleading to imply that the positive opinion of Ms. Widess expressed by Worksafe Director, Gail Bateson in the only attributed quote is a minority opinion.

Cal-OSHA Reporter should print an apology to Ms. Widess and take more care in the future.

*Anne Katten
California Rural Legal Assistance Foundation*

Publisher Dale Debber Responds

First, *Cal-OSHA Reporter* reads every single letter it receives and responds to nearly all. We are delighted to have received so many responses, many from unpaid readers and many from our premium subscribers. We want to provide a fair hearing to all sides. Although the positive calls and emails ran higher than the negative, we felt it more appropriate, given limited space, to run the negative comments.

We also want to acknowledge and thank several people whose material missed the deadline or which we just didn't have room for, including Faith Raider, Catherine A. Porter of California Healthy Nail Salon Collaborative, Peter Olney, Director of Organizing, of the ILWU, Miguel Vargas, Joan Lichtermann, and a few others.

Any publication or news operation that doesn't offend some of the people some of the time isn't doing its job. We work hard to be down the middle as much as possible. But there are times when POR – Plain Old Reporting – just doesn't tell the whole story. This was one of those times. We knew factual stuff we had to let others say and explain or we would have been just another tool of the government. They spout – we print. That's not happening here and it never will.

Our editor, Kevin Thompson, did a lot of research to help us to the conclusion. He spoke with numerous individuals representing a broad cross section of industry, business, and labor.

We are both professionals and work hard to bring the facts – sometimes with color and sometimes unvarnished – to you every week. The read between the lines is written by people who know what's really between the lines and that is what makes us valuable. We do a better job in our little arena than any major news outlet.

If you've been a reader a long time you might remember when we called out that a member of the Standards Board missed something like 28 meetings. But he missed a key vote on an important proposal on the heat illness standard, which we felt strongly about. We wrote about "the missing Mr. Moreno." As a result the governor asked him to resign and he lost his union election. Some people were offended -- but the United Farm Workers certainly appreciated what we did.

So there we were, sticking up for the safety of the farm workers and helping to accomplish key revisions to the heat standard. We helped get AB 2774 get passed, as well. We look to be fair to workers and employers, which both have issues. I think safety people are the unsung heroes of industry – which if you've heard me speak, you'd know.

As a publisher my job is not to protect anyone – it is to provide information upon which people can act. It is not always pleasant. In this case, it was about someone I like as a person, and it was not pleasant at all.

But it was truthful.

Worksafe Responds to Cal/OSHA Chief's Resignation

On September 4, 2013, Ellen Widess resigned from her position as Chief of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA. Worksafe and many of our allies among unions, worker centers, and OSH professionals were caught off guard by the news; even more startling was the characterization of the OSH community's reaction by the *Cal-OSHA Reporter*, which claimed that "both employer and labor representatives were practically jubilant at the news." Worksafe was the only organization that was quoted on the record; we praised her work in carrying out the mission of the agency: to protect the health and safety of California workers. A little more than a week later, the *Cal-OSHA Reporter* printed a handful of letters from agency staff, worker advocate organizations, and OSH professionals who supported her record and chastised the publication for its biased reporting. The *Cal-OSHA Reporter* mentioned in passing but did not print any of the letters from organized labor. Her detractors remain unidentified.

The most important unanswered question is whether many of the pro-worker health and safety initiatives revived, created, or expanded under Ms. Widess' administration will continue. We fear that the business community may use her departure as an opening to push for Cal/OSHA to move in the opposite direction. An attorney who specializes in representing employers in OSH administrative cases published a blog post within minutes of the announcement that contained his wish list of changes. Clearly, the worker advocacy community needs to come together to effectively articulate and express our own views, backed up with information and stories from workers in the field.

Before discussing the next steps Worksafe will be taking, we want to first express our appreciation of Ms. Widess for her public service and the important advances in worker health and safety made during her tenure, despite limited resources. We particularly want to applaud Cal/OSHA for its recent efforts to be more accessible and transparent to workers, notably those in low-wage/high risk jobs but without union protection, and especially those most vulnerable to exploitation due to working as temp workers or misclassification as "independent contractors."

Widess participated in and gave compelling speeches at a number of conferences and events attended by labor and worker center health and safety activists. She not only showed up; she brought along key district and regional managers to the meetings, making them easily accessible to attendees and helping to foster better communication. For the first time in a very long while, the message to workers was that the agency was there to listen to and work with them. Worker confidence in the agency grew, and advocates began to file more effective complaints that addressed long-standing problems. This openness extended beyond our Bay Area community: when regional advisory committee meetings scheduled for southern California were cancelled due to state government travel restrictions, she arranged videoconferences so that both the labor and business organizations outside of the area could also participate.

Under Widess, Cal/OSHA issued several important citations. Following the August 2012 fire at the Richmond Chevron refinery, the agency issued almost \$1 million in fines. Investigating warehouse

worker complaints, Cal/OSHA issued two sets of citations to warehouse owners and their temp staffing agencies, thereby preventing one party from “passing the buck” for health and safety on to the other. The agency successfully reached a landmark agreement with the union representing hotel housekeepers in response to complaints of musculoskeletal injuries, requiring the establishment of a joint labor-management housekeeping committee tasked with identifying best practices to prevent injuries.

Under Widess, the unit that develops recommendations for health-based standards for the OSH Standards Board was able to reach consensus on proposals for complex standards. Consensus was reached on safe patient handling and existing requirements for employers to pay for any required personal protective equipment used by their employees. The agency took on many other unanticipated and resource-intensive projects to ensure worker health and safety, including full investigations of the state’s five psychiatric hospitals and supervising huge public works construction projects.

Widess successfully increased the medical and nursing capabilities of the agency so that heat-related fatalities could be fully investigated and other important health standards could be enforced. She responded to a series of confined death fatalities early in her administration with the creation of a Special Emphasis Program and then backed it up with clear guidelines and training for compliance staff. When she couldn’t hire more bilingual inspectors, she gave incentives to staff who committed to learning Spanish. The unit to train inspectors became reinvigorated.

She worked with the Labor Commissioner to improve referrals of worker retaliation cases and to integrate education of employers and employees during worksite visits; over 250 referrals were made since this joint effort began, covering not only OSH-related retaliation but also wage theft. Cal/OSHA has also been an integral part of the multi-agency Labor Enforcement Task Force (LETf), which targets low-road employers who typically violate a host of related laws around workers’ rights.

Moving forward: This fall Worksafe will continue to work with both advocates and the new and veteran staff at Cal/OSHA and other state programs with OSH responsibilities to discuss the full range of initiatives needed to protect workers. An effective state OSHA program that can carry out this mandate does a great service to all who value a level playing field for businesses and a safe working environment for our workforce of over 18 million people.

September 18, 2013 – Oakland, CA

Southern California Coalition for Occupational Safety & Health

TRANSITIONS AND FAREWELLS: AN UPDATE ON IMPORTANT CHANGES FOR HEALTH AND SAFETY ACTIVISTS

Thursday, September 19, 2013

Dear Health and Safety Activists:

Thank you very much to those that joined us at our Safe Jobs Save Lives Conference in July. We are honored to have had such an amazing response. I'd like to invite you to check out LOSH newsletter for a brief write-up and some photos from the conference here: LOSH NEWSLETTER
<<http://cts.vresp.com/c/?SoCalCOSH/0ec9071c21/11f36537ac/e89496f3e2>>

As you might have heard, Chief Ellen Widess was abruptly asked to resign from her position as Chief of Cal/OSHA last week. This decision became public in a shameful flash from the Cal/OSHA Reporter with the headline: "Widess Out at Cal/OSHA: Community Cheering". The article inaccurately claimed that both labor and business communities had been pushing for her removal. As worker and labor advocates, we are disappointed with the Reporter's dishonest representation of the "labor community", as well as the administration's decision to force her resignation. We believe that the Cal/OSHA Reporter's article was disrespectful to Ms. Widess and ignored her commitment to vulnerable workers during her tenure as Chief of Cal/OSHA.

We would like to take this time to thank Ms. Widess for her courageous work and commitment to worker health and safety in the past two years and her dedication to opening avenues of communication between worker advocates and Cal/OSHA. She was the first Chief of Cal/OSHA to agree to meet with SoCal's OSH Activist Network regularly; she met with us, and spoke at several of our events. She supported the enforcement of Cal/OSHA regulations on "bad actor" employers to protect exploited workers, such as contract workers at LAX and temporary workers in the warehouse and waste and recycling industries. She was especially open to dialogue about how to confront risks such as employer retaliation with vulnerable worker populations, particularly immigrant and low-wage workers.

At this time of transition in Cal/OSHA's leadership, we need to ensure that the administration strengthens worker health initiatives and confronts the constraints that limit the agency's effectiveness. We also urge the administration to continue what Ellen Widess started in Southern California—strong enforcement and an effort from Cal/OSHA to build relationships with worker advocates in Southern California.

We need to strengthen Cal/OSHA! What you can do:

- Join us on **Friday, November 15th** for a half-day training and dialogue with Cal/OSHA about how to strengthen worker protections and work together effectively. This meeting is especially important, considering the transition in Cal/OSHA leadership. Meeting will be held at the **LA County Federation of Labor from 9:00am – 12:30pm**. RSVP to: healthandsafety@launionafcio.org
- Share your message for a stronger Cal/OSHA to protect workers: Send your experiences with Cal/OSHA (what works, what doesn't) and ideas for how to improve the agency. We will compile those ideas and share with Cal/OSHA leaders and discuss at the Nov. 15th meeting. Send your thoughts with the subject "Experiences with Cal/OSHA" to healthandsafety@launionafcio.org. <http://cts.vresp.com/c/?SoCalCOSH/0ec9071c21/11f36537ac/e67d7235b7>

In addition to the changes in Cal/OSHA, we are also experiencing some transitions locally. Andrea Nicholls with the LA County Federation of Labor is no longer the health and safety representative. Andrea has moved on to join Unite Here Health.

Lastly, I'd like to let you know that I am leaving my position as SoCalCOSH's Coordinator. I appreciate having had the amazing opportunity to coordinate the important work that SoCalCOSH does. Thank you for the support and encouragement you have provided me during my time at SoCalCOSH. Even though I will no longer serve as SoCalCOSH's coordinator, I will continue to be involved in other capacities. I foresee a very strong and unified health and safety movement and wouldn't miss being part of it for anything. I will continue to fight with you for safe and healthy jobs because WORKERS MATTER!

During this transition time, you may contact SoCalCOSH via email at info@socalcosh.org <http://cts.vresp.com/c/?SoCalCOSH/0ec9071c21/11f36537ac/fb002bf6d4> .

In Solidarity, Shirley "Sumaq" Alvarado-del Alvarado

SoCalCOSH is a project of Community Partners

<http://socalcosh.org> <http://cts.vresp.com/c/?SoCalCOSH/0ec9071c21/11f36537ac/b98d1e24b8>
info@socalcosh.org <mailto:socalcosh@gmail.com>



LOS ANGELES COUNTY
FEDERATION OF LABOR,
AFL-CIO

Maria Elena Durazo
Executive Secretary-Treasurer

Ricardo E. Icaza
President

September 16, 2013

Christine Baker
Director, Department of Industrial Relations
1515 Clay St., 17th Floor
Oakland, CA 94612

Dear Ms. Baker:

As delegates of the Los Angeles County Federation of Labor, AFL-CIO, we want to express our appreciation to Ms. Ellen Widess for her commitment to worker health and safety during her tenure as Chief of Cal/OSHA.

Ms. Widess' dedication to opening avenues of communication between Southern California worker advocates and the Agency led to effective targeting and enforcement actions. She was the first Chief of Cal/OSHA to visit Southern California regularly to meet with worker advocates, and spoke at conferences at the L.A. County Federation of Labor and at Workers' Memorial Day events. She supported the enforcement of Cal/OSHA regulations to protect contract workers at LAX, and temporary workers in the warehouse and waste and recycling industries. She was especially open to dialogue about how to confront risks such as employer retaliation with vulnerable worker populations, particularly immigrant workers and those in low wage jobs.

We urge the administration to strengthen the important relationships that have been established between Southern California worker advocates and the leadership of Cal/OSHA.

Name (print)
Affiliate

Signature

Union

VIVIAN Yoshioka	AFSCME	Vivian Yoshioka	AFSCME	Local 575
dooner			IATSE 800	
Judith Serin			SEIU 121RN	
Sonye D Jimmons			SEIU 121RN	
Greg Bashin			Teamsters Local 996	
Patricia Reino	AFL-CIO		CWA 6116	
Glenda Davis	CSEA		CSEA	
PHILLIP C. Kraus			CSEA LA-500	

2130 W. James M. Wood Blvd.

Los Angeles, CA 90006

(213) 381-5611

fax (213) 383-0772

Name (print)

Signature

Union Affiliate

MARSHAN PETERS *Marshon Peters* AFSCME 3090

YOLANDA RAMIREZ *Yolanda Ramirez* CSEA 477

GABRIELA OLMO *Gabriela Olmo* CSEA 477

LAURA BRIBIESCAS *Laura Bribiescas* CSEA 348

DAVID HYMAN *David Hyman* NALC 2902

BRUCE ALLEN LEE *Bruce Allen Lee* UAW REGION 5

JOE PADILLA *Joe Padilla* UAW 887

~~GENE HART~~ *Gene Hart* UAW 589

KATHLEEN YASUDA *Kathleen Yasuda* AFT-1521

PAGE WILLIAMS *Page Williams* IATSE 80

SANDRA RIVERA *Sandra Rivera* CSEA-477

BETTY MADON *Betty Madon* IATSE 892

CAROLYN FORN *Carolyn Forn* NALC 2200

JAN TOKUMARU *Jan Tokumaru* CWA 39521

JESSE D. ARANDA *J.D. Aranda* SEIU 1000

RICHARD "DICK" WICKLUND *R. Wicklund* IATSE 884

TARO O'SULLIVAN *T. Sullivan* AFL-CIO APACU

GEORGE BIOLETTA *George Biolotta* IAM-AW 2060 1484

MAURIA RIGGS *Mauria Riggs* OPEIU #537

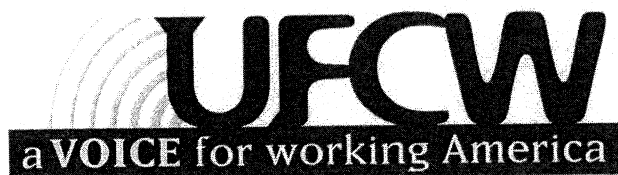
EMILY *Emily* IATSE 871

ALTON REED *Alton Reed* CWA 9003

Statement of ILWU Representative Peter Olney

Cal/OSHA Advisory Committee meeting on October 3, 2013

1. Very disheartened to hear about Ellen Widess's dismissal as CalOSHA chief
2. Our union fought and advocated for her to get the position
3. Her actions did not disappoint us!
4. Our experience is no different than many of the active organizing unions and worker center organizations up and down the state
5. February 2 Ellen accompanied by CalOSHA staff appeared at a convention of our Local 6 recycling worker members. These are the low paid workers who are making our planet green but suffer some of the worst health and safety hazards of any workers. Ellen spoke in dramatic fashion to this group pledging the agency's commitment to enforce the law and make their workplace safer.
6. Chief Widess replicated this scenario in hundreds of meetings up and down the state with warehouse workers and low wage workers everywhere
7. I have heard two things about her dismissal:
 - Bad management style
 - Need for more of a voluntary compliance approach
8. Politics and power involves a lot of people with strong opinions and will – if “bad management style” was a bottom line criteria applied evenly we would clean out statehouses and enforcement agencies everywhere
9. Voluntary compliance is not the law, the law is the law and needs to be enforced vigorously. Strong enforcement leads to voluntary compliance – Would someone argue for voluntary compliance on child labor or minimum wage. No! Health and safety is no less precious.
10. In Ellen Widess we had an active and aggressive educator and enforcer of the law and champion of worker safety. I hope that these values are not being sacrificed in this surprising and sudden and I think regressive change.
11. Thank you for the time to address this issue



VIA FAX AND REGULAR MAIL

October 9, 2013

Ms. Christine Baker
Director of Industrial Relations
California Labor & Workforce Development Agency
800 Capital Mall, MIC-55
Sacramento CA 95814

Dear Ms. Baker:

I am writing to express my deep concern about the recent changes in leadership at California Division of Occupational Safety and Health (Cal/OSHA) that comes with the resignation of Ellen Widess from her position as Chief of the Division of Occupational Safety and Health.

The public reports of Ms. Widess' resignation indicate that employer groups appear to be more than pleased, and that their opposition was at least in part responsible for Ms. Widess' departure. I find this very troubling.

Under Widess' leadership, the mission of the agency was carried out – to protect the health and safety of California workers. During her tenure, important advances in worker health and safety were made, despite limited resources. In particular, there have been recent efforts to make Cal/OSHA more accessible and transparent to workers, notably those in low-wage high risk jobs but without union protection, and especially those most vulnerable to exploitation due to working as temp workers or misclassification as "independent contractors."

Cal/OSHA has suffered for literally decades with weak leadership in prior administrations, and inadequate support in the legislature. As a result, Cal/OSHA's enforcement and outreach programs have suffered greatly over the years, as have the work of the Appeals Board and the Standards Board. However, I recognize that under the Administration's leadership which includes Widess' own initiatives, as well as with the leadership in the Legislature, visible progress has been made on a host of issues. I also recognize that much more work remains to be done to create a credible enforcement program in California – with the levels of staffing, resources, policies and practices that will finally deter employers from their current practices of routinely ignoring the law.

Joseph T. Hansen, *International President*
Anthony M. Perrone, *International Secretary-Treasurer*



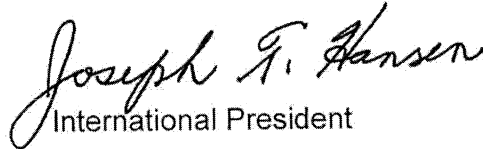
United Food & Commercial Workers International Union, CLC
1775 K Street, NW • Washington DC 20006-1598
Office (202) 223-3111 • Fax (202) 466-1562 • www.ufcw.org

- 2 -

The recent developments therefore cause us to be concerned that some of the recent progress might be reversed or weakened. I do not want to see this departure as an opening for some to push for Cal/OSHA to move in the opposite direction it has been moving.

I will certainly support Julianne Sum in her role as Acting Director of Cal/OSHA and I will continue to work with our allies in California to ensure that the agency continues to be one that that workers and unions can value, employers can respect, and one in which the public can have confidence.

Sincerely,


International President

cc: Governor Jerry Brown
Senate President Pro Tem, Darrell Steinberg
Senator Bill Monning
Speaker of the Assembly John A. Pérez
Assembly Member Roger Hernández

Cal/OSHA Chief Ellen Widess Resigns

The California Department of Industrial Relations announced today that Ellen Widess has resigned effective immediately from her position as Chief of the Division of Occupational Safety and Health. No specific reason was given for her resignation.

Widess, who became Chief in mid-April, 2011, served during a period of great stress. During her tenure the number of experienced inspectors who left Cal/OSHA or sought reassignment significantly reduced the agency's corporate memory. Limitations on funding brought on by state budget constraints and the federal "sequestration" action reduced the agency's ability to travel and to hire new inspectors, thus compounding the sense of an agency adrift.

At the same time Widess was seen by employers as fostering a divisive atmosphere in California's safety and health community, seeking to punish "bad" employers while doing little to encourage good ones. A strong supporter of Fed/OSHA Chief Dr. David Michaels, Widess followed his lead in seeking changes to California's VPP-Construction program which were intended to eliminate current members from the program and to discourage construction contractors from seeking VPP certification.

While the ramifications of Widess's departure are still sinking in, we view the coming transition to a new Chief as a great opportunity to progress toward the goal of true respect and cooperation between the regulators and the regulated. As DIR Director Christine Baker recently told the AGC: "Our goal is to increase compliance with labor laws and not punish employers who want to abide by the law, so that honest businesses can thrive and profit in California." We could not have said it better. To that end we offer some places to start:

1. Return to using the citation notice letter (the Cal/OSHA 1BY) as it was intended to be used: As an invitation to dialog between employers and Cal/OSHA before citations are issued.
2. Encourage that communication by announcing that the employer's response to a 1BY letter will not be used against it either as justification for a reclassification of the citation or issuance of an additional citation, or as an admission against interest at hearing.
3. Correct inspectors and DMs who do not review employer responses to 1BY letters in good faith.
4. Encourage employers who "get it" by REALLY eliminating "gotcha" citations. There are plenty of companies former Chief John Howard referred to as "employers from Mars" who need citations.
5. Say it publicly and to staff, say it often, and mean it: Inspectors have no quotas for written citations. Instead of assessing the value of an inspector's work by its quantity, look to its quality.
6. Free up Enforcement's limited assets by having Consultation respond to non-serious complaint letters, with the power to refer employers to Enforcement if necessary.
7. Allot resources more evenly between Enforcement and Consultation so that both can do their jobs more effectively.
8. Use those freed-up Enforcement assets to go after the underground economy, which hurts both the State and employers who play by the rules.
9. Change the rule that employers cannot avail themselves of Consultation's services to seek advice on abatement while a citation is pending.
10. Take advantage of our employers' knowledge to educate inspectors before unleashing them to write

Site search

Subscribe by Email

[Click Here](#)

More Information

About Walter & Prince

Categories

[1BY \(RSS\)](#)

[Cal OSHA Legislation \(RSS\)](#)

[Assembly Bill 2774 \(RSS\)](#)

[Senate Bill 829 \(RSS\)](#)

[Cal OSHA Litigation \(RSS\)](#)

[Cal/OSHA Appeals Board \(RSS\)](#)

[Cal/OSHA Issues \(RSS\)](#)

[FAQ \(RSS\)](#)

[Injury Reporting \(8 CCR section 342\) \(RSS\)](#)

[OSHA 300 Log Recording Issues \(RSS\)](#)

[OSHA Enforcement Policies \(RSS\)](#)

[OSHA News \(RSS\)](#)

[S&W Liability \(RSS\)](#)

[Uncategorized \(RSS\)](#)

Meta

[Log in](#)

uninformed citations.

11. Reaffirm the stated goal of the VPP program that companies which achieve VPP status will be rewarded by being seen by Cal/OSHA as partners working together towards a safer California.
12. Encourage the use of experimental variances where new and potentially innovative products and processes become available.

That's for starters. Then we can talk about more structural changes.



Posted: September 4th, 2013 under Cal/OSHA Issues OSHA News

[« Previous post](#)

[Next post »](#)

Write a comment

Name:

E-mail:

URL:

Message:

Submit!

© 2014 California Osha Blog - Entries (RSS) - Comments (RSS) - Log in
Cal OSHA Litigation Attorneys

This blog is intended to provide general information on OSHA issues. This information cannot be relied upon as legal advice. This site does not constitute an offer of representation, nor is it intended to create an attorney-client relationship. Please also know that comments posted to this blog will not create an attorney-client relationship and will not be treated as confidential.

Theme design by Lorem Ipsum - Powered by WordPress

Law Firm Marketing by The Attorneys ATM