

[Home](#)

Why you should care about Cal/OSHA's budget and political troubles

By [Garrett Brown MPH, CIH](#)
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A whistleblower complaint charging the Department of Industrial Relations with misuse of state and federal funds designated for [Cal/OSHA](#), the state workplace health and safety agency, was filed with the California State Auditor on Tuesday, April 1st by a 20-year veteran of the agency – me -- who retired in January 2014.

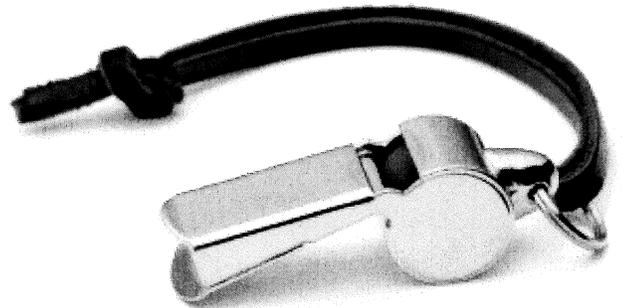
I spent my last 2½ years working as the Special Assistant to the Chief of the Division in Cal/OSHA headquarters in Oakland. In my complaint I said “an investigation by the State Auditor is needed because only trained accountants familiar with state operations and procedures will be able to penetrate what has been an opaque ‘black box’ of DIR’s handling of funds designated for Cal/OSHA, depriving the agency of millions of dollars needed to protect workers in California.”

“DIR – which controls Cal/OSHA’s funding, budget and hiring – has levied excessive administrative fees on Cal/OSHA, has used Cal/OSHA funds to pay for DIR real estate and personnel used for departmental purposes, and has failed to use available resources in special state funds leaving Cal/OSHA understaffed, under-resourced, and unable to meet both federal performance benchmarks and the requirements of state law,” I asserted.

The Division of Occupational Safety and Health (DOSH or Cal/OSHA) draws no funds from California’s General Fund, but rather receives an annual grant from Federal OSHA and money from special state funds that assess a small surcharge on employers’ workers’ compensation insurance premiums as well as fees on operators of elevators, tramways, amusement rides and pressure vessels. Cal/OSHA does not control its budget and fiscal decisions – the Director of DIR does.

Cal/OSHA staff were given only partial and conflicting information about the DIR’s handling of DOSH funds during my tenure in headquarters. If federal funds were used for activities unrelated to Cal/OSHA’s work, this would be a violation of the annual grant from Federal OSHA that DIR receives on DOSH’s behalf. I have also referred the CSA complaint to Federal OSHA’s headquarters in Washington, DC.

Here is the backstory: Cal/OSHA's fate is left in the hands of Christine Baker, DIR Director, who controls all DOSH funds and personnel. The Labor Secretary above Baker is a political operative whose main concern is



watching out for the Governor's needs and interests. Cal/OSHA would only be a concern for the Labor Secretary if it becomes a scandal or major controversy (which is what we are trying to reach) to the Governor.

Baker has (and believes) the standard Republican ideology (despite/because of being a corporate Democrat) that says the vast majority of employers do the right thing, or would do the right thing if they knew -- so Cal/OSHA's proper role is compliance assistance, partnerships and consultation over enforcement. Enforcement is the proper thing for the small layer of "bad actor" or "low road" employers -- but not for the overwhelming majority of "responsible employers." That's why she supports enforcement efforts aimed at the "underground economy" employers who create unfair competition for the responsible employers (as well as mistreating their employees).

Baker has never liked the people at Cal/OSHA -- too independent, not business-friendly enough, too willing to stand their ground when given instructions by DIR that we did not agree with -- so no love lost when looting (as some feel has happened) Cal/OSHA's coffers.

So a combination of political, ideological and personal issues means Cal/OSHA has no friends in state government. If this was a Republican administration, then the California labor movement would likely do something about all this. But since it is a Democrat - who unions support and need to have good relations with for "bigger fish" -- then no one in labor is willing to cause a stir about Cal/OSHA when there are "more important things" at stake -- specific bills, good relations with political officials, etc. The OHS community -- the other traditional ally -- is too small and weak to matter to the pols who run things (Dems and Republicans alike).

So... why should you and thousands of safety and health pros across the country care about what goes on in one state OSHA plan state?

Cal/OSHA is the largest state plan and usually considered the premier state plan. What happens in California usually spreads across the country later.

So if a Democratic Administration in California can get away keeping Cal/OSHA on a starvation diet that results in under-staffing and under-resourcing for political/ideological reasons, it will impact the national debate on the proper role for OSHA and the resources it should have throughout the country, and in Washington, DC.

This is a marker of the right-ward, or pro-corporate, shift by both major political parties that has and will result in the weakening of workplace protections for workers, especially the most vulnerable, nationally.

It raises the question about how significant "strong regulations" are when there is reduced capacity to actually enforce those regulations. California has many "ground-breaking" regulations - but what is the level of enforcement of these?

It raises the question of how important workers' health and safety is to anyone if Democrats do this to the premier state OSHA, and the labor movement and OHS community stand by and watch as passive spectators.

It raises the question of what is the nature of a 21st century OSHA?

Do more with less (or actually just less)?

Targeting that focuses only on "bad actor" (smaller, underground economy) while large, politically-connected employers get a bye?

How can OSHA be transformed (everyone agrees that changes need to be made) with little or no resources to do so?

And how is this transformation to occur with a political perspective that exempts many employers with bad records (a look at the California employers who have had fatal accidents or received "Willful" citations shows many large "responsible" employers and not just "low road, bad actor" employers)?

Garrett Brown is a retired Cal/OSHA official who has long been involved in the safety training of foreign workers and improving working conditions of foreign workers.