

Response by the California Department of Industrial Relations To the Federal OSHA Report on the CASPA filed by PEER

DIR Public Information Office statement released on July 7, 2015:

California's state-administered occupational safety and health program, Cal/OSHA, operates on a model of prevention as well as enforcement. We take a multi-faceted approach of regulation, enforcement, outreach and education, as well as collaboration with industry and worker groups. We are perplexed by Fed OSHA's response because they have not focused on the bigger picture of the California program.

With its response to PEER, Federal OSHA focuses only on outdated information from September 2013 and earlier, which paints a misleading picture of Cal/OSHA. Although Fed OSHA has acknowledged receipt of documentation for Cal/OSHA's substantially increased resources for 2014 and 2015, Fed OSHA HQ is ignoring our progress. With sufficient time for hiring and training new staff, we expect to see continued improvements in inspection numbers, citations, and response and lapse times.

Cal/OSHA's programmed inspections based on high-hazard targeting are successful. Federal OSHA, however, insists on viewing Cal/OSHA with its limited paradigm and therefore disregards the targeted inspections and state-specific programs that are unique to Cal/OSHA. These include:

- The multi-agency Labor Enforcement Task Force, which uses empirical data to target non-compliant employers in the underground economy, and protects vulnerable workers who are reluctant to notify and file complaints with Cal/OSHA.
- Cal/OSHA's Mining and Tunneling programmed inspections, required by CA law, reduce injuries and illnesses in this industry and help avert disasters. We have among the lowest injury and illness rates in this industry in the US.
- Our Process Safety Management inspections likewise help avert disasters in the oil refining industry.

Fed-OSHA also fails to recognize other important innovations in California, including:

- Cal/OSHA's injury and illness prevention program. It requires that all employers in the state have a living, breathing safety program that takes into account their employees' daily duties and reviews all safety protocols in order to prevent workplace accidents.
- Temp worker employer requirements - more protective than fed OSHA.
- Groundbreaking regulations like safe patient handling, aerosol transmissible

disease standard, heat illness prevention standard, as well as the workplace violence prevention standard which is currently in the regulatory process.

- California's public awareness campaign on heat illness prevention, launched in 2010, was adopted by Federal OSHA with no changes and is now a national effort.

The work we are doing in Cal/OSHA helps workers. Unfortunately, Federal OSHA's refusal to look past September 2013 is wasting precious resources, and ignoring the bigger picture of what's going on. Federal OSHA persists in an antiquated methodology that equates citations to improved safety. California believes it's more effective to prevent accidents rather than cite them after the fact.