

July 6, 2015

Dear Colleagues: In case you did not see the June 26th Fed OSHA letter confirming the CASPA filed by the PEER organization in February 2014 regarding understaffing at Cal/OSHA and its adverse impact on protecting workers' health and safety in California.

Attached is the Fed OSHA letter and below is the press release from PEER.

I imagine that the response from Cal/OSHA and the Department of Industrial Relations is that this is all "old news," and that the DIR "Budget Change Proposal" — that went into effect on July 1st with the new state budget for fiscal year 2015/16 — will "resolve the issue."

Not so fast — the BCP calls for adding a total of 26 field inspector positions over a two year period. An incremental increase at best between now and June 2017. It is not clear whether the currently recognized vacancies — there were 21 in May — will be filled in addition to these 26 positions, or subtracted from the 26.

There is also the question of how any new compliance officers will be used. Imbedded in the BCP language was a proposal to significantly raise the performance goals of the new field inspectors in a way that could result in "once-over-lightly" inspections to meet the increased goals, and the end of "health" inspections that require more time to conduct.

Also there was no increase in the BCP for the Mining & Tunneling unit, or for the Medical Unit, or for the Professional Training & Development unit which will be responsible for training these new hires.

All these issue would be interesting questions to ask Cal/OSHA's and DIR's leadership at the next Advisory Committee meeting in August.

Attached is an analysis of the BCP that was incorporated into the current budget; and a summary chart of Cal/OSHA's field enforcement staffing levels as of May 2015.

Best to all,  
Garrett Brown

Attachments:  
Fed OSHA's June 26<sup>th</sup> letter regarding the PEER CASPA  
Initial Analysis of DIR's FY 2015-16 BCP

**From:** Jeff Ruch <[jruch@peer.org](mailto:jruch@peer.org)>

**Date:** Wednesday, July 1, 2015 at 6:03 AM

**Subject:** FW: PRESS RELEASE: Feds Find Gaping Holes in Cal/OSHA Safety Net

For Immediate Release: Wednesday, July 1, 2015 Contact: Leola Webb (202) 265-7337

**FEDS FIND GAPING HOLES IN CAL/OSHA SAFETY NET**  
**Serious Enforcement and Inspection Failures Put California Workers at Risk**

Washington, DC — The U.S. Occupational Safety & Health Administration (OSHA) has cited the worker health and safety program in California for falling below minimum performance standards in response to a complaint filed by Public Employees for Environmental Responsibility (PEER). As a result, the state Division of Occupational Safety & Health (Cal/OSHA) must upgrade its enforcement and inspection programs or face federal sanctions.

In a letter to PEER dated June 26, 2015, OSHA Area Director David Shiraishi upheld the bulk of the “Complaint about State Program Administration” that PEER filed in February 2014. In its review, OSHA found that Cal/OSHA:

- Fails to conduct an adequate number of inspections in dangerous workplaces and fails to follow its own policy of doing follow-up inspections on serious violators;
- Does not issue citations in a timely manner, thus delaying hazard abatement and prolonging dangerous conditions. OSHA found the “amount of time Cal/OSHA takes to issue citations is 69% longer than OSHA for safety inspections and 33% longer for health inspections”; and
- Takes too long to respond to worker complaints of unsafe or unhealthy conditions. Cal/OSHA “averaged almost working four days to initiate investigations for complaints alleging serious hazards” with one serious complaint sitting 106 days. For non-serious complaints, Cal/OSHA averaged more than two weeks before inspecting with one case sitting 300 days.

The OSHA letter contains recommendations for how Cal/OSHA can remedy the identified failures while concluding that “the State Plan is required to remedy these deficiencies.” Like California, nearly half the states are funded by OSHA to operate their own state plans which, by law, must be at least as effective as the federal program. This finding means that California is not meeting that minimum threshold.

“California workers are more at risk than those in other states and have less protection on the job now than at any other time in a generation,” stated PEER Executive Director Jeff Ruch, noting that California has more game wardens than workplace inspectors. “This is a failing grade that Cal/OSHA cannot ignore if it wants to keep its doors open.”

Under Governor Brown, Cal/OSHA has suffered from a leadership revolving door and a siphoning off of funding for other programs. The last OSHA annual audit in 2014 confirmed that Cal/OSHA “remains understaffed and, as a result, is challenged to fulfill

its important mission.”

The only PEER charge that OSHA did not sustain was that OSHA failed to conduct an adequate number of health inspections. OSHA found that while the number of Cal/OSHA health inspections actually decreased, the ratio of health versus safety inspections increased.

“In California, environmental protection stops at the factory door,” added Ruch. “The Golden State often justifiably prides itself for being a national trendsetter but in terms of worker health and safety California is leading a race to the bottom.”

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[Read the OSHA findings](#)

[See the PEER complaint](#)

[View turmoil and critical audit of Cal/OSHA](#)

[Look at the OSHA state plan process](#)

[Learn about silent epidemic of workplace chemical exposure](#)