

May 1, 2023

Enforcement Staff Vacancies Undercut Cal/OSHA Effectiveness

I am sorry to report that Cal/OSHA continues to have significant vacancies in field enforcement personnel through the first four months of 2023. This chronic understaffing undercuts the ability of the agency to protect workers in California and enforce the law.

The latest available information – as of December 1, 2022, released by DIR on March 20, 2023 – shows that Cal/OSHA had 75 vacant positions and a vacancy rate of 29%.

The DIR information also pointed out that there are still 14 compliance safety and health officer (CSHO) positions which are not even listed in DOSH Org Charts, but which have been fully funded since the 2021/22 Budget Change Proposal in 2021. Including these vacant CSHO positions would increase Cal/OSHA field enforcement inspector vacancy rate to 32% and 89 vacancies.

California has an inspector to worker ratio – the standard measure for comparing health and safety inspector coverage – of one inspector to 105,032 workers in December 2022. This compares to a ratio of 1 to 27,000 in Washington state, and 1 to 26,000 in Oregon.

Using the weekly hiring updates sent out by Chief Killip, it is possible to update the actual staffing data to April 2023. The Chief's office reported that only 2 CSHO positions were filled between December 1, 2022, and April 5, 2023. This means Cal/OSHA had at least 73 CSHO vacancies and a vacancy rate of 28% in early April 2023.

Other key take-aways from the latest staffing data are:

- There are eight enforcement District Offices that have CSHO vacancies of 30% or more: San Francisco (67%), Fremont (45%), San Bernardino (43%), Fresno (42%), Oakland and Foster City (33%), and Long Beach and Modesto (30%).
- The number of field inspectors receiving bilingual pay for fluency in languages other than English has declined from 20 Spanish speaking inspectors to 14 inspectors, due to retirements. With the large number of Spanish-speaking workers in the state, this means a ratio of 1 inspector to over 350,000 Spanish-speaking workers.
- The Process Safety Management (PSM) unit which monitors health and safety at the state's 15 operating oil refineries has four CSHO vacancies among the 10 total positions. It is unclear what happens with the annual surplus of more than \$1 million generated by a refinery fee on oil production in California that is supposed to be used for enforcement of health and safety regulations for workers and nearby communities.

- The Legal Unit, still handling the employer appeals of many Covid-related citations, has a vacancy rate of 28% — 11 vacant attorney positions out of 39 positions.
- The Consultation Service, which provides free service to employers, has half its field offices without an Area Manager (including Sacramento, Fresno, Van Nuys and La Palma), and a vacancy rate of 22% in field consultants (9 vacancies in 41 positions).

The ongoing picture from Cal/OSHA is crippling understaffing which greatly diminishes its ability to protect California workers, enforce existing regulations, and conduct important Special Emphasis Program inspection like those at granite and artificial countertop shops that are responsible for a wave of acute silicosis among workers in the state. Also the Division is in a weak position to enforce pending new regulations such as indoor heat and lead exposures expected to be approved in 2023.

Finally, there are continuing questions about why nearly 50% of Cal/OSHA's annual funding has been unspent and "reserved for economic uncertainties" for years now.

The Division has recently declared an agency-wide policy of "Hiring Mondays" to "remove any non-hiring DOSH meetings from our Hiring Monday calendars to create the needed space to get the hiring work done - as well and as fast as possible." Let's hope that this succeeds.

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