

WORKSAFE

safety, health, and justice for workers
seguridad, salud y justicia para los trabajadores

February 20, 2024

Governor Gavin Newsom
State Capitol
Sacramento, CA

Dear Governor Newsom:

We are writing to urge you to swiftly appoint the next Chief of the California Division of Occupational Safety and Health (Cal/OSHA) so that the agency can overcome the serious understaffing crisis that undermines Cal/OSHA's ability to protect California workers. The key attributes of the next Chief must be a clear commitment to leading a robust, fully-staffed, multi-lingual Cal/OSHA that has access to and uses all available resources to protect the safety, health and rights of the 19 million workers in the state.

Cal/OSHA is currently in a precarious position with years-long understaffing that has severely undercut the agency's capacity to meet its legal mandate and mission. Cal/OSHA currently cannot effectively protect California's workers on the job. Almost half of the enforcement district offices where inspections are conducted have vacancy rates of more than 40% for field inspectors. Statewide Cal/OSHA is riddled with critical vacancies in local office management and administrative staff. A third of the Legal Unit's attorney positions are vacant, hobbling the agency's ability to defend citations issued to employers. Even the highly promoted Consultation Service that provides assistance to small businesses is hobbled by high vacancy levels.

California's national reputation for first-in-the-nation regulations to protect workers against hazards like deadly silica exposures to artificial stone workers or dangerous heat illness to outdoor and indoor workers caused by climate change is threatened by the fact that Cal/OSHA is unable to effectively enforce these regulations, old and new alike.

The understaffing crisis has created such difficult working conditions within Cal/OSHA that morale has plummeted, and personnel are leaving, worsening the vacancy problem. In 2023, DOSH reported that 31 Cal/OSHA employees resigned or transferred to other state agencies.

Cal/OSHA cannot afford to have an Acting Chief for an extended period of time – such as the eight-month delay prior to the last Chief's appointment. California workers deserve to have an effective agency with strong leadership as soon as possible.

We believe that the critical elements of that strong leadership include:

- **Clear values:** The Chief's first priority must be to the mission of Cal/OSHA, which is the protection of workers' health and safety, and effectively enforcing employers' legal responsibility to provide a safe and healthful workplace. There must be a commitment to listen to and involve all stakeholders, including workers, advocates, and underserved communities.

- **Strategic Thinking:** The Chief must increase Cal/OSHA's impact despite its limited resources, including using all available data sources for effective targeting and multiple approaches to key stakeholders for effective prevention of injuries and illnesses. Collaboration with other state agencies, such as DLSE, is critical to increase the enforcement impact and deterrent effect on employers who violate multiple state laws.
- **Leadership Skills:** The Chief must have the communication skills and ability to motivate employees to overcome serious morale problems, and give Cal/OSHA staff the confidence that all available resources will be used to create a robust, effective agency. To maximize Cal/OSHA's impact, the Chief must encourage and support creative initiatives of field staff and front-line managers.
- **Management Skills:** The Chief must have the determination to work with Cal HR and the DIR Director to identify and overcome the hiring obstacles that exclude good candidates from consideration (including workers with on-the-job health and safety experience), and have created a lengthy, tortured process which means field enforcement candidates are hired elsewhere long before they ever hear from Cal/OSHA.
- **Experience and Understanding:** The primary objective of Cal/OSHA is to protect the health and safety of California's workforce, particularly the most vulnerable workers. The Chief must have an appreciation of, better yet experience working with, the lives of working people and their communities in our state, and the many factors that jeopardize their safety, health, and rights under the law.

Cal/OSHA stands at a crossroads today – greatly diminished by the chronic understaffing of field enforcement and other key positions that prevents it from doing its job. The agency needs strong leadership with the qualities outlined above as soon as possible. The signers of this letter express their willingness to work with your Appointments Office to select the next Cal/OSHA Chief that will be able to inspire and lead the effort to rebuild a fully-staffed, multi-lingual, effective agency that can prevent worker injuries, illnesses and deaths.

The working people of California deserve no less, and the state's economy and businesses thrive when worker health and safety is a priority throughout California.

Sincerely yours,

Stephen Knight
 Worksafe
 Executive Director

California Rural Legal Assistance Foundation
 Santa Clara County Wage Theft Coalition
 Northern Ca. District Council of the international Longshore and Warehouse Union
 California School Employees Association
 UFCW Western States Council
 SEIU California
 BlueGreen Alliance
 San Francisco Firefighters Cancer Prevention Foundation
 Instituto de Educacion Popular del Sur de California (IDEPSCA)
 Working Partnerships USA

San Francisco Firefighters Local 798
San Mateo County Central Labor Council
Nurse Alliance of SEIU California
National Union of Healthcare Workers
California Conference Board of the Amalgamated Transit Union
California Teamsters Public Affairs Council
California Conference of Machinists
Inland Empire Labor Council, AFL-CIO
California Healthy Nail Salon Collaborative
USW Local 5
CLEAN Carwash Worker Center
USW Local 675
National Council for Occupational Safety and Health (COSH)
Central Coast Alliance United for a Sustainable Economy (CAUSE)
Pesticide Action Network
California Immigrant Policy Center
California Nurses Association
California Food and Farming Network
California Farmworker Advocacy Working Group
Central California Environmental Justice Network
Centro Binacional de Desarrollo Indígena Oaxaqueño