



**Newsom stays silent on Cal-OSHA staffing crisis as legislators and advocates call for action**



**Gavin Newsom makes statement on Cal-OSHA staffing problem. Advocates say it's not enough**



**California has heat regulations for farmworkers. Is another law needed for employers to comply?**



**California worker died in a cement mixer. His case was dropped but is now heading to court**

LOCAL

## REALITY★CHECK

# The Bee reported Cal-OSHA's understaffing endangered state workers. What's happened since?

BY JOE RUBIN

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[Listen to former Cal/OSHA criminal investigator describe backlog of cases](#)



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Julio Alfaro, a former senior criminal investigator for the Cal/OSHA Bureau of Investigation, speaks

in May 2024 about the problems he found at the agency due to staffing shortages.

BY PAUL KITAGAKI JR.



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Cal-OSHA, the state agency responsible for ensuring worker safety, has announced it has made significant hires in its criminal investigative unit, which has been critically understaffed.

In a [news release in August](#), the department said it has filled nine positions in its Bureau of Investigations, which is charged with addressing criminal responsibility in workplace accidents. The agency announced in August it was also adding two new field offices and an agricultural enforcement unit.

The announcement of new hires follows a series of Sacramento Bee [stories](#) that spotlighted the lack of criminal investigators throughout the state despite having the funding to pay for them. The department's staffing [declined to just one investigator for the entire state](#) since March.

The announcement touted the new hires, which include a new chief investigator, and the search for two more investigators.

“The Bureau of Investigations has a separate but important role focusing on the criminal responsibility of employers in accident-related deaths and life-altering injuries,” Debra Lee, Cal-OSHA’s current acting chief, said in the news release.

“Having more resources at BOI will help Cal/OSHA in its mission and bring attention to the importance of workplace safety and health.”

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The agency did not say what precipitated the new hiring, other than acknowledging that staff shortage. “Previously, the BOI unit operated statewide with just a fraction of its current staffing,” the news release said. “This latest announcement will allow BOI to tackle more cases and ensure that the most negligent of employers are held accountable.”

The Bee stories noted that the BOI is empowered to recommend manslaughter and violations of Labor Code 6425, which makes criminal negligence related to worker deaths and accidents a felony and allows for imprisonment for employers up to three years, depending on the severity of the negligence, and with fines up to \$3.5 million. And that, because of a severe staffing shortage, it’s a tool that is rarely wielded despite its investigators’ protests dating back to at least 2017.

## **CONSEQUENCES OF CAL-OSHA STAFFING SHORTAGES**

This has not been an easy year for Cal-OSHA. A state assembly committee ordered an audit of the agency’s handling of cases involving [farmworkers](#). Lee, who has been nominated by Gov. Gavin Newsom to lead the agency, has come under fire from former and current officials for allegedly retaliating against employees who criticize the department.

And it has been short-staffed.

Even with the hiring, Stephen Knight, the executive director of the influential non-profit [Worksafe](#), struck a cautious note.

“An organization with a third or more of their staff positions unfilled is in crisis,” he said in an email, “...We are maybe seeing indications that the Department of Industrial Relations (DIR) is moving to recognize that the status quo is a crisis, that they are weighing the desperate need for worker safety and wage theft enforcement up there next to the need to follow their bureaucratic hiring procedures—but until their vacancy rate is closer to 10% than 30%, the crisis is ongoing.”

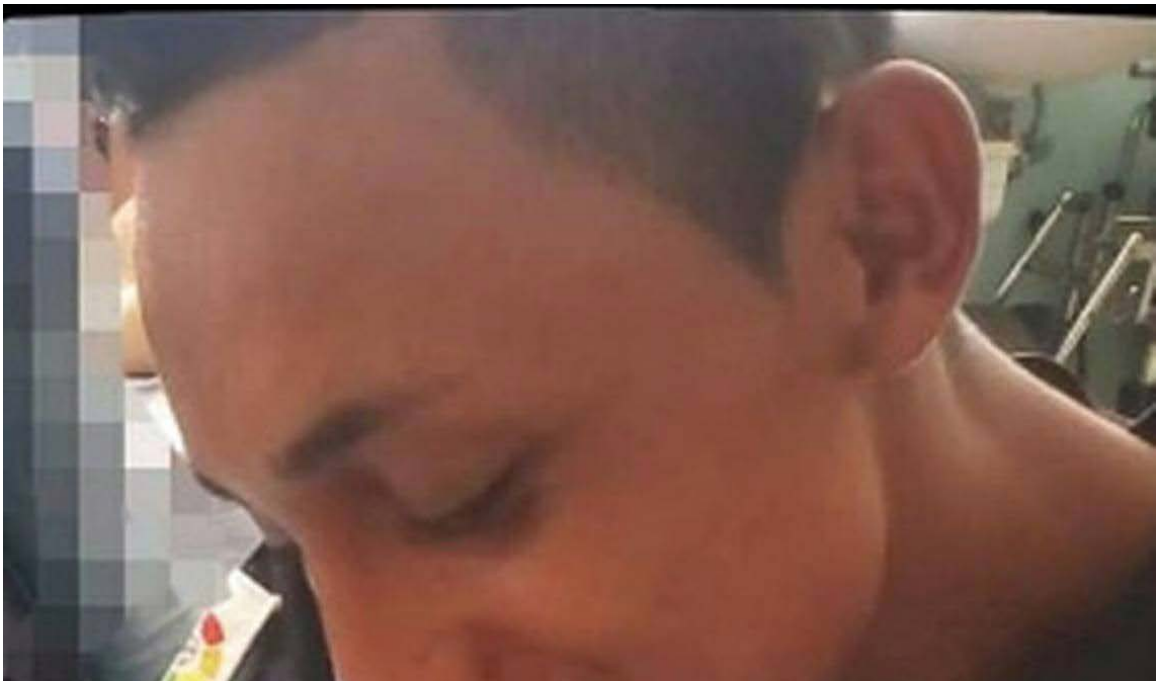
Chris Kuhns, a 13-year veteran of the BOI who resigned in protest in June, 2023, said: “Of course, I’m glad that someone finally listened, but why did it take a series of newspaper reports to bring about change?”

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On his last day on the job, Kuhns emailed DIR Director Katie Hagen telling her that the situation at the BOI was desperate.

“It is clear that the organization does not care about the important work that BOI does in making the workplace safe for California,” he wrote. “A unit that had been staffed with nine investigators... is down to two remaining investigators for the entire state of California.”

After he departed, Kuhns provided The Bee with key details about the death of a worker, [Jairo Ramirez](#), a young father from El Salvador who was crushed in a cement mixer that had a crucial safety device disabled. The case had been closed by Cal-OSHA, even though Kuhns had recommended criminal charges.





Jairo Ramirez, an El Salvadoran immigrant, lived near Watsonville and was crushed to death inside a cement mixer in 2021. *Nilson Ramirez*

The case involving Ramirez was initially closed because the BOI did not have the staff to complete it within the three-year statute of limitations. After The Bee inquired about the case, the Monterey County's District Attorney filed charges against the owner of the company where Ramirez worked, hours before the statute expired.

Kuhns testified Thursday at an evidentiary hearing in Monterey District Court. The owner of the company, Kristo Kristich could face hundreds of thousands of dollars in fines and possible jail time.

### **THE NEW AG UNIT 'MUST BE DONE WITH GREAT CARE'**

Cal-OSHA's new Agricultural Enforcement and Engagement Task Force Unit is ambitious, especially given the current staffing shortfall in enforcement offices.

At a Cal-OSHA advisory committee meeting on Aug. 22, the agency said the newly formed Ag safety unit will establish four enforcement offices in Bakersfield, El Centro, Lodi, and Salinas and satellite outreach locations in the 13 counties with the

largest agriculture production. No date set was for when that would be in place.

Garrett Brown, a former top official at Cal-OSHA who mines staffing charts and regularly sends updates about what he calls a long-term staffing crisis at Cal-OSHA said in a mass email that understaffing is still a concern.

“Establishing the Ag Safety unit must be done with great care to avoid the creation of a ‘silo’ for farmworker complaints,” he wrote. “...Unless there was a huge surge of hiring in the last quarter (which has not been reported), the new District and Ag Safety unit enforcement offices will likely remain understaffed or even vacant for the foreseeable future.”

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Joe Rubin, an Emmy award-winning investigative reporter for The Sacramento Bee, unpacks complex systems with an eye toward holding power to account. Rubin's reporting for the San Francisco Chronicle, NPR and Capital & Main has led to state laws protecting workers from lead poisoning and has exposed wasteful spending.

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