

February 11, 2014

Ms. Barbara Goto
Assistant Regional Director for Occupational Safety and Health
Region IX
U.S. Department of Labor
90 Seventh Street
Suite 18100
San Francisco, CA 94103

Re: Complaint about Cal/OSHA State Program Administration

Dear Ms. Goto:

Please accept this complaint concerning the operation or administration of delegated occupational health and safety responsibilities of the Division of Occupational Safety & Health (Cal/OSHA) submitted by Public Employees for Environmental Responsibility (PEER) on behalf of California workers, including those inside Cal/OSHA.

This complaint is based upon the recent analysis (attached) compiled by Mr. Garrett Brown (MPH, CIH), a 20-year Cal/OSHA veteran culminating in a stint as a Special Assistant to the Chief. In his analysis, Mr. Brown documents the state's continuing disinvestment in Cal/OSHA. As a result –

- California has fewer workplace health and safety inspectors than it did 25 years ago, although the workforce is substantially larger now;
- California has one of the worst inspector-to-worker ratios in the country (one inspector to more than 109,000 workers), more than three times lower than Oregon or Washington and nearly twice as thin as federal OSHA staffing in states without their own programs; and
- Cal/OSHA has been forced to cut way back on health inspections for exposures to toxic chemicals as well as inspections of dangerous workplaces where low-wage, immigrant or non-union workers rarely file complaints.

Due to low staffing compounded by the failure to expend available funds, Cal/OSHA can no longer even come close to meeting federal benchmarks or meet the premises behind its most recent federal OSHA grant.

For example, in the FY 2012 Federal Annual Monitoring and Evaluation (FAME) Report, OSHA found that more than 30 inspector positions promised in California's grant application were nonexistent. Since that FAME report, the disappearance of promised inspectors has only been exacerbated.

According to Mr. Brown, these staff shortfalls mean that Cal/OSHA can no longer meet federal benchmarks for, among other tasks –

- Responding to worker complaints of unsafe or unhealthy working conditions in a timely fashion;
- Doing follow-up inspections of serious violators; and
- Closing safety and health inspections so that enforcement action may be taken.

In short, Cal/OSHA low and falling inspector levels are creating a “pattern of delays in processing cases [and] of inadequate workplace inspection”, in the words of the regulations governing your handling of these state plan complaints (29 CFR §1954.20).

We believe this complaint merits your immediate attention because it affects millions of California workers. Workers in California have less protection on the job now than at any other time in a generation due to the implosion of Cal/OSHA.

Thank you for your timely attention to this matter.

Sincerely,

Jeff Ruch
Executive Director