



# *Enforcement of Worker Safety*

The Role Staffing Levels Play

September 27, 2024 @ CHSWC



# Presenting Organizations



**Eddie Sanchez**

**Southern California Coalition for  
Occupational Safety and Health**

SoCalCOSH



**Alexis Nava Teodoro**

**Pomona Economic Opportunity  
Center**

PEOC



# *Introduction - Carlos Castro*



Carlos Castro talks in December 2023 about how he thinks a more active Cal-OSHA agency could have helped prevent the construction injury that paralyzed him from the chest down.

BY PAUL KITAGAKI JR.

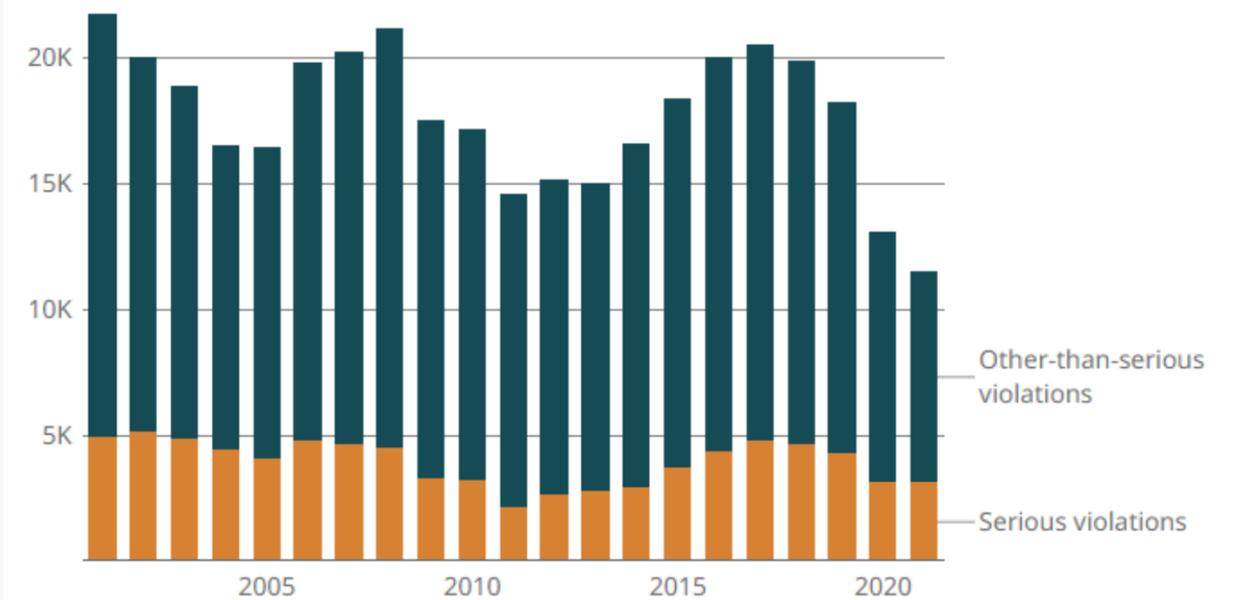
# Standards vs Capacity

## Cal/OSHA & DLSE

- New protections like Indoor heat standard need staff to be enforced
- Inspections are down, letter investigations are up
- Delayed claims, cases, responses, and investigations

### Number of Cal-OSHA citations issued has declined since the early 2000s

Cal-OSHA safety and health inspectors issued far fewer citations in 2021 than they did 20 years prior. Experts say the agency's short-handedness only heightens the pressure on staff to open and close cases quickly.



The term "Serious Violation" includes serious, repeat and willful citations. The term "Other-Than-Serious" refers to general and regulatory citations.

Source: California Department of Industrial Relations, Division of Occupational Health and Safety (Cal-OSHA) • [Get the data](#)



# A Local Example - 99 Cost Bargain Co, #2206897

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Occupational Safety and Health  
Monrovia District Office  
800 Royal Oaks Drive, Suite 105  
Monrovia, CA 91016  
Tel. # (626) 239-0369 Fax # (626) 239-0387

GAVIN NEWSOM, Governor



August 30, 2024

99 Cost Bargain Co  
2061 S. Garey Ave.  
Pomona, CA 91766

Dear Employer:

The Division of Occupational Safety and Health has received a complaint (Complaint No. 2206897) alleging the following condition(s) at your workplace at 2061 S. Garey Ave., Pomona, which may be a violation of the Safety Orders found in Title 8 of the California Code of Regulations:

Code Section(s) and Alleged Condition(s):

1. 3400(c): No first aid kit provided for the employees.
2. 3203(a): No written Injury and Illness Prevention Program (IIPP).
3. 3362(g): Ceiling tiles are all damaged by water and they are on the verge of falling.
4. 3225: Emergency exits are blocked by stacks of boxes.
5. 4650(b): Helium gas cylindrical tanks are stored in the bathrooms and not properly stored.
6. 3273(b): Store walkways are filled with heavy boxes causing difficulty in walking.

To review Title 8, California Code of Regulations, go to [www.dir.ca.gov](http://www.dir.ca.gov), click on "Title 8 Regulations" then click on "Cal/OSHA" and enter the code section number mentioned above. Or you can go directly to [www.dir.ca.gov/samples/search/query.htm](http://www.dir.ca.gov/samples/search/query.htm).

The Division has not determined whether the hazard(s), as alleged, exist(s) at your workplace and, at this time, the Division does not intend to conduct an inspection of your workplace.

However, you are required to investigate the alleged condition(s) and notify this office in writing no later than fourteen (14) calendar days after receipt of this letter whether the alleged condition(s) exist and, if so, specify the corrective action(s) you have taken and the estimated date when the corrections will be completed. If possible, please fax or e-mail your response to David Rodriguez, district manager, at fax number (626) 239-0387 or e-mail at [DOSHMRV@DIR.ca.gov](mailto:DOSHMRV@DIR.ca.gov).

Please include any written documentation, e.g., equipment purchase orders or contracts for corrective work, and photographs, if appropriate, in your response. If you do not respond in a timely and satisfactory manner, an unannounced inspection of your workplace will be scheduled, which may result in citation(s) and monetary penalties. Also, every tenth satisfactory letter response from employers is subject to verification by an inspection.

You are required to post a copy of this letter in a prominent location in the workplace where it is readily accessible for employee review for at least three (3) working days or until the hazard is corrected, whichever is longer.

This letter is not a citation or a notification of a proposed penalty. Citations and penalties can only be issued after an inspection of your workplace. If the Division does not receive a satisfactory response from you within fourteen (14) calendar days after receipt of this letter, an on-site inspection will be conducted as appropriate.

1) Complained Filed but Agency choose to send a letter instead of conducting an in-person inspection; As a result, employer responded to letter to show the violations have been corrected, but due to the lack of an in-person inspection, Cal OSHA does not know that the employer still continues to violate the health and safety code.

2) This employer also have been reported to BOFE for many wage and hour violations and an agent has yet to be assigned.



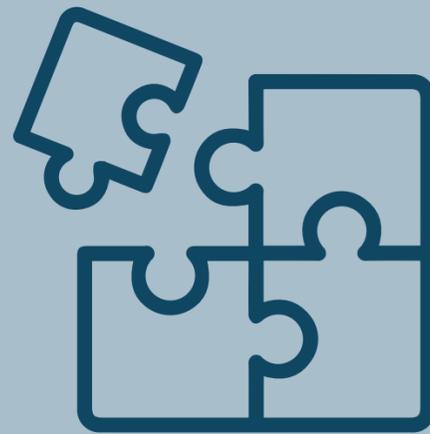
# Potential Solutions

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## Addressing Minimum Qualifications

- Minimum qualifications are barriers for potential candidates



## Pipelines to fill positions

- Working people want to fill these positions but the pipeline to do so isn't there



## Addressing Retention

- Current employees and employee representatives have solutions such as competitive pay and clear promotion pathways, etc

# Conclusion



Staffing needs to be addressed if CA wants to provide effective protections to workers. Reduced staff is reduced enforcement.

CHSWC can play a role in addressing the problem. Creative solutions are needed and research for an effective pipeline could be our collective effort to address staffing needs.



# Thank you



SoCalCOSH  
[socialcosh.com](http://socialcosh.com)



PEOC  
[pomonadaylabor.org](http://pomonadaylabor.org)

## Citations

Overworked and Underprotected:

<https://www.sacbee.com/news/politics-government/the-state-worker/article283078973.html>

'Brutal' trade-offs keep some South Bay farmworkers laboring in dangerous heat

<https://www.siliconvalley.com/2024/08/27/brutal-trade-offs-keep-some-local-farmworkers-working-in-dangerous-heat/>

Why are California workers waiting so long on wage theft claims? A new audit has answers

<https://calmatters.org/california-divide/2024/05/california-wage-theft-audit-labor-commissioner/>