

Commission on Health & Safety and Workers Compensation (CHSWC) Oakland, CA August 4, 2022

Jeff Killip
Cal/OSHA Chief



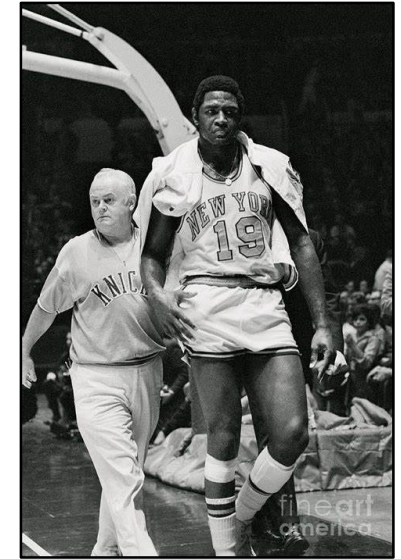
State of California
Gavin Newsom
Governor

Great Collaborative Opportunity



Who Is this Killip Guy?

- From NYC Metro
- 6'10" / New York Knicks
- Family Dude
- Marathoner/Triathlete/Outdoor Enthusiast
- Bruce/Tom Petty



Professional Background

- Law – US EPA, DA's Office, Attorney General's Office



- Public Health – Managing Director - WSALPHO



Public Health
Prevent. Promote. Protect.

- Occupational Safety & Health – WA DOSH



Washington DOSH – Last 9.5 Years

- Acting Deputy Assistant Director
- Sr. Manager – Education & Outreach
- Industrial Hygiene/Lab Manager
- Rules Manager

Similar Challenges

- Pacific Coast State Plan state
- Wildfires and Wildfire Smoke
- Heat Illness for outdoor workers
- Agriculture (H2A workers)/Construction
- COVID-19 Emergency Rulemaking

Lessons Learned

- Power of partnership – collaboration
- Leverage synergy
- Think outside the box
- Examples:
 - Consultation / promotional videos – Washington Farm Bureau
 - Enforcement / Creative settlements – Tacoma Rainiers

I was right.

The wave is **BIG!**



Impressions after 4 Months:

- Incredibly impressive
 - Cal/OSHA team
 - Agency leadership
 - Stakeholders
- Appreciate those who have reached out (e.g. LinkedIn)
- Cal/OSHA's challenges are formidable
- Energized by the challenges and opportunities in front of us to tackle together

Vision for Cal/OSHA + CHSWC

- Improve how we do business to protect the health and safety of workers in California + provide assistance to employers through our Consultation and Outreach Services to help them comply with their obligations.
- CHSWC – “The Commission was established to conduct a **continuing examination** of the workers’ compensation system **and of the state’s activities to prevent industrial injuries and occupational diseases...**”
 - “CHSWC also administers the Workers Occupational Safety & Health Training and Education Program (WOSHTEP)...”

My “To Do” List for Cal/OSHA:

- Address vacancies – hiring!
 - Establish needed positions – managers
- ***Strengthen external partnerships – collaboration*****
- Improve processes/efficiencies/automation
- Utilize technologies (e.g. drones/inspections, VR/training, etc.)
- Strategic social media marketing – with influencers
- Organizational Wellness
- Foster diversity, equity & inclusion
- Leverage pandemic silver linings (e.g. nimble shifts to virtual)

**** CHSWC & Cal/OSHA**

Last 4 Months:

- Hiring, Hiring, Hiring! → Suzanne Reinfranck
 - Managers
 - *Gene Glendenning - our new Consultation Program Manager*
 - Carl Paganelli, Deputy Chief Consultation, PSM, Engineering Services
 - David Wesley, Deputy Chief Enforcement
 - Filling other Priority positions
 - Hiring an economist for rulemaking team

- Enforcement → Debra Lee
 - onsite COVID inspections trending downward

Last 4 Months – cont'd:

- Consultation Services → Gene Glendenning
 - > 300 onsite visits with employers in construction, agriculture, and many other high-hazard employers.
- Communications & Outreach → Brandon Hart
 - Collaborating with community based organizations and other worker groups for high-risk vulnerable workers.
 - Outdoor Heat + Wildfire Smoke.
 - Recently hired 2 Bilingual Community Engagement Liaisons (BCELS).

Rulemaking – Eric Berg:

- [ETS](#) – readopted on May 6, effective through Dec 31
- [Non-emergency COVID rule](#) – draft rule submitted to OSHSB
- [Indoor Heat](#) - will provide similar protection to indoor workers that outworkers currently have plus engineering, administrative, and personal protective heat equipment controls when temperatures are above a specific trigger
- [Lead in Construction and General Industry](#) - will substantially reduce the permissible exposure limit, action level, and blood lead levels at which employees are medically removed from hazardous tasks. These changes will keep employees much safer from lead poisoning.
- [Aerosol Transmissible Diseases](#) - would update the regulation to codify that COVID-19 is an airborne infectious disease.
- [COVID-19 non-emergency regulation](#) - will extend worker protections from COVID-19 through the end of 2024.

Rulemaking Initiatives – Eric Berg:

- Respiratory Protection for wildland and wildland urban interface fire fighting. Firefighters in these environments currently do not have any respiratory protection against extreme exposures to many highly toxic products of combustion. When California completes this rulemaking, it will be the first state in the nation to provide these firefighters the protection they need.

Legislation

- DIR manages roughly 130 bills annually
 - ~ 1 in 3 sent to the Governor's desk for signature/veto.
- The # of bills increased due to recent legislative changes that allow more bills to be introduced.
- Governor signed bills that directly impact DIR:
 - 2019 / 35
 - 2020/ 24
 - 2021 / 28

2021 Legislation

- **AB 701** (Gonzalez, Chapter 197, Statutes of 2021):
 - Applies to warehouse distribution centers
 - an employee **shall not be required to meet a quota that prevents compliance with** meal or rest periods, use of bathroom facilities, including reasonable travel time to and from bathroom facilities, or occupational health and safety laws in the Labor Code or Cal/OSHA standards.
 - would also prevent employers from taking adverse employment action against employees who do not meet quotas that were either not disclosed or quotas that do not allow employees to take meal or rest periods or comply with health and safety laws.
 - If a particular employer or worksite is found to have an annual employee injury rate at least 1.5 times higher than the warehousing industry's average annual injury rate, Cal/OSHA or the DWC shall notify the Labor Commissioner, and the Labor Commissioner shall determine whether an investigation is appropriate.

2021 Legislation

- **SB 321** (Durazo, Chapter 332, Statutes of 2021)
 - Requires Cal/OSHA to convene an advisory committee to address ways to protect the health and safety of **privately funded household domestic service workers**.
 - The committee will also **develop voluntary guidance** to educate household domestic service employees and employers on **ways of preventing illness and injuries** at work.
 - The bill requires Cal/OSHA to post the committee's report to its website and submit a copy to the Legislature by 1/1/23.

2021 Legislation

- **SB 606** (Gonzalez, Chapter 336, Statutes of 2021)
- Expands Cal/OSHA enforcement authority under Labor Code.
- **Creates a rebuttable presumption** that a noncompliant written policy or procedure or a noncompliant pattern or practice DOSH identifies during the inspection at one of that employer's worksites **exists enterprise-wide** at all of the employer's worksites
- authorizes Cal/OSHA to issue an **enterprise-wide citation** requiring enterprise-wide abatement.
- Requires Cal/OSHA to cite an employer who willfully commits an **“egregious”** violation, as defined. The civil penalties for an egregious violation would be enhanced.

Power of Collaboration - Synergy



Thank you for your collaboration today!

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Cal/OSHA Chief

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