

July 26, 2010
File No. 9900000.01

Department of Industrial Relations
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

Subject: Non-English Speaking Workers and Worker Safety – An Argument to Adopt a Universal Language in California

Greetings:

I would like to thank the Board for this opportunity to express a concern of mine and suggest a regulation that I believe the Occupational Safety and Health Standards Board should adopt.

Allow me to first provide the Board with a brief narrative of my background and experience; which provides a foundation for my suggestion. I have over 40-years of experience in construction trades, both horizontal and vertical construction. I started when I was 10-years old, sweeping floors, pulling nails, and stacking boards on my father's construction projects. I am a licensed contractor.

I am a licensed professional engineer (PE) in civil engineering. I am board-certified in industrial hygiene (CIH) and as a Certified Safety Professional (CSP). I have undergraduate degrees in both engineering and geology, and I am currently in a masters program in public health at Tulane University. The last 20-years of my professional career have been somewhat focused on chemical safety in the workplace. I have witnessed accidents, injury, and death on the job site, equipment destroyed, and property lost, and I have observed that many of these events occurred due to a lack of effective communication due to the absence of a universal language spoken.

My suggestion for the Board to consider: The Board should adopt a regulation that all workers in California must be able to speak and understand the English language.

I understand that this may not be a politically correct position to take, however, consider the basis for my suggestion.

- We are primarily an English-speaking nation.
- Most literature herein the U.S. is printed in English. This includes operation manuals, product information, warning labels, MSDS's, traffic signs, laws, regulations, and statutes.
- Many interpretations/translations from English to another language are often done incorrectly, are unclear, inconsistent and/or not done properly in the field and on-the-fly.

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- Many interpretations/translations from English to another language are incomplete because the other language does not have words that equal those in the English language, i.e., there is no direct translation.
- Most employment involves multiple workers and not all workers are multi-lingual; not speaking a common language is a barrier to effective job site communication.
- Relying on a single “interpreter” on a job site with multi-language workers involves risk. Example: What happens when this interpreter is absent, injured, and/or indisposed in an emergency? (A rhetorical question.)
- The Department of Industrial Relations publishes its statutes and regulations in English.
- Notices in the California State Publications are published in English.
- The State Congress (House and Senate) conducts their deliberations in English.
- The State’s court system conducts their testimony in English.
- I am writing this email to the Board in English. I anticipate that recipients of this letter can read and understand English, and I imagine that my suggestion will be deliberated in English.

Moreover, it is very clear to me that:

- Requiring employers to provide written safety policies, procedures, and practices in Spanish discriminates against all other languages; including English-speaking people.
- California’s employers should not, and cannot, be expected to accommodate all languages of the world – One universal language provides a safer workplace for all workers.
- Warning labels on product packaging (e.g., chemicals) are now printed in 4 and 6-point type in order to squeeze the information in both English and Spanish onto the label, making it nearly impossible to read without a magnifying glass, thereby rendering the warning much less effective, i.e., it cannot be read by us English-speaking people let alone by those that can read Spanish (without a magnifying glass).
- General contractors cannot effectively control and direct subcontractors who arrive at job sites with workers who speak another language – thereby significantly diminishing the “controlling” employer’s abilities at multi-employer worksites (Title 8 CCR Section 336.10 and 336.11).
- There is ample evidence that there have been accidents, injuries, and/or property lost due to workers not receiving effective safety communications; because the workers were not able to speak and/or understand English.

I have observed significant accidents and losses occurring at job sites because languages other than English were spoken, e.g., Spanish, Creole, Polish, Armenian, Korean, and Hmong, to name a few. In some situations, even people who appear to be of similar ethnicity cannot effectively communicate with one another due to different dialects/languages spoken.

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For the above reasons, I believe that the Board should adopt a regulation requiring (or at a minimum: recommending) English as the universal language spoken at California's job sites. It will improve communication between workers and it will provide a safer worksite for all workers employed herein California. Political correctness should be subordinate to the safety of all workers, their lives, and property. Safety should be of primary concern! If my suggestion fails and political correctness prevails, then it is obvious (to me) that worker safety will be subordinate to political correctness, and worker's lives and livelihoods will continue to be lost due to ineffective communication in the absence of a universal language spoken at the job site.

Thank you for this opportunity. If there are questions and/or follow-up to my suggestion, my contact information is shown below.

Respectfully submitted,



Michael Geyer, PE, CIH, CSP
Project Director-President
KERNTEC Industries, Inc.
mgeyer@kerntecindustries.com
www.kerntecindustries.com