

DEPARTMENT OF INDUSTRIAL RELATIONS

Christine Baker, Director

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July 24, 2015

Barbara Goto, Acting Region IX Administrator
Occupational Safety and Health Administration
San Francisco Federal Building
90 – 7th Street, Suite 18100
San Francisco, CA 94103

RE: 2013-2014 FAME Report

Dear Ms. Goto,

Thank you for giving us the opportunity to respond to OSHA's FAME report for California covering the period October 2013 through September 2014. We wish to respond to statements made in the executive summary and in the assessment of state plan performance, concerning (1) the number of inspections Cal/OSHA conducts each year and (2) the number of inspections conducted in high hazard industries.

Number of inspections Cal/OSHA conducts each year

Although the numbers of our inspections have decreased over the past four fiscal years (for several reasons including attrition of experienced staff and training of new staff), the smallest decrease was in the FFY 2014. Nonetheless, we are concerned that OSHA raises this issue at all. This measure is not and has not been an official observation, finding, or recommendation either in the current FAME or in previous FAMEs. In addition, Cal/OSHA has always met its annual federal OSHA grant performance goals for total number of inspections.

Up to now, OSHA has focused on the quality, not the quantity, of Cal/OSHA inspections. For example, OSHA's State Activity Mandated Measures (SAMMs) include the percent of "in-compliance" inspections, with a goal to minimize that percentage. The SAMMs also include the average number of violations and average number of serious, willful, or repeat violations per inspection with violations, with a goal to increase those numbers. Cal/OSHA improved considerably on these three metrics between FFY 2011 and FFY 2014, including a decrease in the percentage of in-compliance inspections of 23 percent. If OSHA chooses to introduce the quantity of inspections as a potential finding requiring corrective action, we request that OSHA discuss with us on how to balance this against the quality of inspections, because high-quality inspections require more time.

Number of inspections conducted in high hazard industries

We disagree with OSHA's statements that Cal/OSHA has a "low number" and a "decreased number" of inspections in "high hazard industries." In FFY 2014, over 48 percent of all inspections were conducted in the construction and manufacturing industries, which have high rates of fatal and non-fatal injuries and illnesses compared to the national average (as discussed in OSHA's recent investigation of a CASPA filed against Cal/OSHA). The 48 percent figure is not a "low number." By comparison, 42 percent of all inspections were conducted in the construction and manufacturing industries in FFY 2013. The 48 percent figure in FFY 2014 is therefore not a "decreased number."

OSHA appears to confuse the number of inspections conducted in high hazard industries with its Finding FY2014-15, which states that our targeting program data were not evaluated for effectiveness. We will respond to Finding FY2014-15 separately, when we submit our Corrective Action Plan by August 10, 2015.

Sincerely,

Christine Baker
Director

cc: David Lanier
Secretary, Labor and Workforce Development Agency

Juliann Sum
Chief, Division of Occupational Safety and Health (Cal/OSHA)