

[DATE]

State Senator Mark Desaulnier
State Capitol Room 5035
Sacramento, CA 95814

via fax (916) 445-2527

Re: SB 829 - SUPPORT

Dear Senator Desaulnier:

On behalf of [FILL IN NAME OF ORGANIZATION], we write in support of Senate Bill 829. The Occupational Safety & Health Appeals Board (OSHAB) has for several years followed procedures and ruled in ways that undermine safety and health laws and regulations that are meant to protect the working men and women of California. Its procedures are also often unfair to employers. We support SB 829 because it will clarify existing laws, assuring a fair hearing for all, refocusing the OSHAB on protecting worker health and safety, and bringing the board into compliance with both the “spirit of the law” and the “letter of the law.”

[BRIEFLY DESCRIBE YOUR ORGANIZATION HERE, how many workers the union represents, type of work, etc.]

This bill contains a number of important changes. Of greatest concern to us is . . .

[PICK one or more - one is fine - of the following paragraphs. Pick the one that is most meaningful to you and if you have a sentence or two that you can add giving an example of why that issue is important, please include it.]

[CHOICE #1] . . . eliminating the delay in correcting an unsafe condition once an appeal is filed. Unfortunately, under the current process when an employer appeals, it automatically stays the obligation to correct the unsafe condition and workers may be exposed for months or years pending a final decision. SB 829 will require employers that appeal a citation to abate the hazard pending a decision unless the employer provides evidence that either no worker will be exposed to the hazard or the hazard is unlikely to cause death or serious injury, illness or exposure to any worker. The safety and health of workers on the job should be the OSHAB’s primary concern and the appeals process should not allow for their continued exposure to hazardous working conditions.

[CHOICE #2] . . . that workers have the right to challenge the adequacy of the Cal/OSHA citations before the Appeals Board. The OSHAB process needs to be fair not only to employers but also to workers. Currently, employers have the right to appeal not only the validity of the citation and how the citation should be characterized, but also to challenge the sufficiency of the abatement requirements. Workers, however, may only contest the amount of time that Cal/OSHA sets for the employer to fix the hazard. Although only Cal/OSHA can issue a citation for a violation, SB 829 will allow workers and their representatives to appeal the characterization of that violation (for example to appeal when a citation is issued merely as a “general” citation but the worker believes - and the law supports - that the citation should be considered “serious” April 19, 2011), and the sufficiency of required abatement which is critically important to workers who are affected by the hazard, as well as fully to participate in settlement negotiations.

[CHOICE #3] . . . that families have the right to full participation on behalf of a loved one who has been killed in a workplace incident. Currently, they are denied this right. This bill will assure that a family member or legal representative of a deceased worker can participate as a party in the OSHAB appeals proceedings and have the full panoply of rights afforded to the employer in the hearing. It will also assure workers can seek help from representatives of their own choice so that they are able to file effective complaints in order to initiate inspections.

We support SB 829 because it will ensure that the OSHAB furthers the goals of California's health and safety laws to protect workers on the job. Thank you for authoring SB 829 and for your commitment to worker health and safety.

Sincerely,

[YOUR NAME and TITLE (if any)]
[YOUR ORGANIZATION]
[YOUR ADDRESS]
[YOUR EMAIL and/or PHONE NUMBER]