WORKSAFE
safety, health, and justice for workers

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May 1, 2013

The Honorable Nancy Skinner
Chair, Assembly Rules Committee
California State Capitol, Room 3160
Sacramento, CA 95814

Re: Sponsors for Assembly Bill 1165 (Skinner)

Dear Assemblymember Skinner:

As sponsors of AB 1165, we are pleased to provide this letter of support for the bill, which will ensure that unsafe workplace conditions get corrected in a timely manner.

Worksafe is a California-based organization dedicated to eliminating workplace hazards. We advocate for protective worker health and safety laws and effective remedies for injured workers. We watchdog government agencies to ensure they enforce these laws. We engage in campaigns in coalition with unions, workers, community, environmental and legal organizations, and scientists to eliminate hazards and toxic chemicals from the workplace.

Specifically, AB 1165 requires an employer that is cited for a "serious," "willful," or "repeat" violation of employee safety rules to abate the hazard identified by the citation, even if the employer appeals the citation.

The Division of Occupational Safety and Health (DOSH) oversees employment and workplace safety in the state, ensuring and enforcing all laws and standards requiring the protection of life, safety, and health of every employee. DOSH may cite an employer if, upon inspection, DOSH believes that the employer has violated safety laws or any standard, rule, order, or regulation.

If an employer appeals the citation, existing law stays all hazard abatement during the appeal. The appeal is resolved through a hearing before the Occupational Safety and Health Appeals Board (OSHAB), which can occur months or years after the citation is issued and a hazard identified.

AB 1165 requires an employer to abate any safety violations cited as "serious," "willful," or "repeat," as required by DOSH, even during an employer's appeal, thus ensuring that places of employment can be safe without having to wait for the completion of the often timely appeals process.

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The state of Washington recently enacted a similar provision for their Division of Occupational Safety and Health and has identified situations where workers were injured on the job because an employer did not abate hazardous conditions during the appeals process.

Thank you for authoring AB 1165.

Respectfully,

Jora Trang
Interim Executive Director
Worksafe, Inc.

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