

Assembly Bill 1277
Protecting Worker Safety and Appeal Rights - OSHA Reform Act
Assembly Labor & Employment Committee
Wednesday, April 24, 2013
1:30 p.m., Room 447
(Sign-in Order)

Chair and Members:

- The California Occupational Safety and Health program is designed to protect working men and women in California and, by extension, our communities. Safe workplaces ensure safe communities.
- Recent incidents show that worker safety may not always be the first priority of Cal/OSHA. For example,
 - Two years ago, U.C. Irvine applied for a variance from a Cal/OSHA regulation regarding chemical fume hoods in research labs.
 - This was a workplace safety issue for lab employees after a 2008 death at a UCLA lab.
 - The union representing UC lab employees was not notified of the request.

- The union fortuitously learned of UCI's request for a *permanent* variance – from a Cal/OSHA inspector – days before the hearing.
- AB 1277 improves the California Occupational Safety and Health program in several ways:
 - Allows family members and legal representatives of a deceased worker to participate as "**parties**";
 - Assures that workers and their representatives are notified when employers seek **variances from OSHA standards**;
 - Clarifies that Cal/OSHA inspectors may cite for **violations of statute**, not just violations of Cal/OSHA regulations; and
 - Sets parameters for Cal/OSHA and the OHSAB to **reduce and enhance fines**.
- Witnesses in support:
 - Jora Trang, Worksafe (Sponsor)
 - Joan Lichterman, Union Rep - UC Professional and Technical Employees Union
[Fran Schreiber will also be available to answer technical questions.]

I urge your Aye vote.

FAQs:

Q: What is the OHSAB and what does it do?

A: The Occupational Health and Safety Appeals Board is a three-member judicial body that handles appeals from private and public employers concerning violations of workplace health and safety laws and regulations.

Q: What is the mission of the OHSAB, according to state law?

A: According to Labor Code Section 6300, “The California Occupational Safety and Health Act of 1973 is hereby enacted for the purpose of *assuring safe and healthful working conditions for all California working men and women* by authorizing the enforcement of effective standards, assisting and encouraging employers to maintain safe and healthful working conditions, and by providing for research, information, education, training, and enforcement in the field of occupational safety and health.”

Q: Why can't (or don't) Cal/OSHA inspectors cite for violations of the Labor Code now?

A: Because current law specifies only certain sections of the Labor Code which can be cited by inspectors, the DOSH has interpreted the law to prevent inspectors from citing violations of *other* sections of the Labor Code,

including the requirement for posting a workers' comp poster.