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Governor strikes safety inspectors

By Erik N. Nelson~
Inside Bay Area

SACRAMENTO — Gov. Arnold Schwarzenegger used his line-item veto to strike funding for 15 new workplace safety inspectors, a move the union representing the inspectors says is based on the same type of injury reporting that was exposed as faulty on the \$1 billion Bay Bridge skyway project.~

In his veto message that accompanied his June 28 signing of the \$131.4 billion state budget, Schwarzenegger said he was deleting the \$1.5 million for 15 new positions based on a report showing that "workplace injuries and fatalities in California are well below the national average."~

The decision to wipe out such a small sum was seen by labor representatives as a further erosion of an agency that has long been understaffed and overburdened.~

The situation is especially grave, they say, in light of the boom in public works projects that would result from the November passage of four infrastructure bonds totaling \$37 billion.~

"There are going to be a lot more workplaces and risk of injury," said Chris Voight, spokesman for the California Association of Professional Scientists. "With so few inspectors now, what's the likelihood that this situation's going to improve?"~

Schwarzenegger veto message said that the decision was based in part on the fact that the state Division of Occupational Safety and Health, or Cal/OSHA, has "a number of inspector positions that are vacant and have been historically difficult to fill."~

"Secondly, the nonpartisan Legislative Analyst's Office study that demonstrated that workplace injuries are well below the national average," said H.D. Palmer, spokesman for state Department of Finance.~

"Even with the veto, there's still \$87.5 million that supports Cal/OSHA's activities," Palmer added.~

But the conclusion that California's workplace injuries — possibly even some fatalities among undocumented laborers — was below the national average was questioned by members of CAPS familiar with the inspectors' field work, CAPS members said.~

They said the statistics come from the U.S. Bureau of Labor Statistics, which derives its injury figures from a sampling of Cal/OSHA's form 300 workplace injury reporting forms.~

A 2005 investigation by this newspaper showed that those forms submitted by the builder for the Bay Bridge skyway — then the state's largest public works project — were frequently missing workplace accidents. Cal/OSHA officials have said that they do not routinely verify the accuracy of the injury reports, which are filled out by employers.~

Cal-OSHA officials have said they do not have the resources to monitor the accuracy of those reports. A state audit of the agency's handling of the bridge project said Cal-OSHA should appeal to the state Legislature for more money if that was the problem.~

The agency investigated the skyway contractor, Kiewit/FCI/Manson, a joint venture known as KFM, and found 13 instances of injuries that contractor chose not to report. The violations, which a Kiewit spokesman noted were record-keeping violations, resulted in \$5,790 worth of fines.~

Cal/OSHA spokeswoman Renee Bacchini said the agency was neutral about the state budget allocation for more inspectors.~

She acknowledged, however, that the agency is having trouble keeping up the staffing levels it already has money budgeted for, mainly because the private sector offers better salaries.~

"Not that we don't want to fill them," she said. "They're up there on the state job site. Please come apply."~

She also disputed that employers might routinely fudge their injury reports.~

"If the employers are not reporting those things, then they're in violation of the law," Bacchini said, and subject to penalties and fines.~

Asked how effective a \$5,790 fine would be on a \$1 billion contract, she said that fines "go up and up and up.~

"If they have a horrible history, their fines get higher and higher."~