U.S. announces plans to step in for Cal-OSHA

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The U.S. Department of Labor notified state Occupational Safety and Health (Cal-OSHA) officials Tuesday that the federal government would assume "concurrent responsibility" for California's embattled worker safety program because of uncertainty about its future.

In a notice to be published in the Federal Register today, the Labor Department said it will assume responsibility for state worker safety on July 1 — the date set by Gov. George Deukmejian for his controversial dismantling of Cal-OSHA.

The state agency is widely regarded as having stronger safety standards than its federal counterpart.

Steve Brown, a Labor Department public affairs officer in San Francisco, said the unusual action was being taken "because of uncertainty about Cal-OSHA," which has been decimated by employee departures since the governor in January announced his decision to dismantle the agency.

"California will have to be in conformance with federal regulations," Brown said. "If Cal-OSHA is still in operation, we will work with them. This is something we have been preparing for ever since the governor made his announcement. This is the next step in the process."

Brown said some 100 persons have been trained to take over Cal-OSHA responsibilities — far fewer than the Cal-OSHA's 500-employee staff, which includes more than 200 field inspectors.

Under the governor's plan, the state agency would be reduced by 366 employees, saving the state $8 million and closing all but a handful of its 27 offices statewide. A few employees would remain to handle "public sector" complaints and provide consultation services.

Lowell Finley, the San Francisco attorney representing 39 plaintiffs from organized labor in a Sacramento Superior Court suit against the governor, said the federal action essentially "acknowledges" the plaintiffs' contentions.

"This wins important breathing space to allow Judge [Roger] Warren to consider other legal arguments we have presented and will present," Finley said.

Warren ruled last month that Deukmejian did not have the authority to dismantle Cal-OSHA without legislative approval. The Legislature reinstated the money eliminated by the governor, who is expected to blue-pencil the expenditure.

Finley, of the San Francisco firm of Remcho, Purcell & Johansen, said his firm planned to file suit in federal court today to block the governor's action, but the Labor Department's actio[n] makes a federal court suit unne[c]essary at this time.

Another suit against the governor's action is pending in San Francisco Superior Court on behalf of public employees — engineers, attorneys, administrative law judges and industrial hygienists — affected by the cuts. Some have received layoff notices effective July 1.

Finley said the labor department action "recognizes the pending litigation and the pendency of legislative proceedings" — and the fact that the governor is apparently disregarding both.

Ron Rinaldi, Deukmejian's head of the Industrial Relations Department and the governor's chief spokesman for the cuts, said the governor has no plans to change his position. The governor faces widespread opposition from labor groups, environmentalists, legislators and business groups.

6/19/87