



"The Public Interest"

Health/Safety and Environmental Issues

the PASMA way to shared knowledge

Public Agency Safety Management Association

February 10, 2025

Front Page:

Eds' Challenge & Govt Data Pg. 1-2

IIPP What's Missing Pg. 3-4

News & Food 4 Thought Pg. 5-6

Editor: Dick Monod de Froideville,
Cal/OSHA-Retired
310/464/7237

Dmonod.pasma@gmail.com

**PASMA NORTH & SOUTH
Board Members:**

President PASMA South:

Jason Monod de Froideville, Sr. Waste Control Engr Inspector, L.A. County Public Works. 310/534/4862.
jmonod@dpw.lacounty.gov

Vice President: Don Coccozza, Safety Administrator City of Santa Monica 310/458/4908

Don.Coccozza@santamonica.gov

Secretary: Chuka Udengwu, Safety Officer II, Los Angeles County Department of Child and Family Svcs 213/910/7208
UdengC@dcss.lacounty.gov

Treasurer: Mary Ann Pham, Safety Asst. Human Resources Bureau, L.A. County Dept. of Mental Health. 213/972/7000.
MHanhPham@dmh.lacounty.gov

Member at Large:

Jason Monod de Froideville

PASMA Interim Legislative Affairs:

Dick Monod de Froideville

PASMA North:

Gina Eicher, City of Walnut Creek, Public Svcs, Eng. Div. 925/256/3513
eicher@walnut-creek.org

Vice President: Vacant

Treasurer: Vacant

Secretary & Leg. Affairs: Vacant

**"LIFE IS NOT A SPECTATOR SPORT"
PASMA'S EXISTENCE AND SUCCESS
DEPENDS ON YOU - VOLUNTEER
YOUR TIME.**

Editorial Challenge Message

To all members

On March 13, 2025 you are invited to a special "Case Study" workshop where some past and/or current Cal/OSHA Cases will be analyzed and discussed. The purpose of this workshop is to demystify Cal/OSHA processes focusing on inspection and post inspection strategic and tactical options designed to mitigate current and possibly future inspections. To that end, I would issue a **strong challenge to all PASMA members to share this message with Departmental and Divisional managers, specifically Human Resources, Workers Compensation and Risk Management** to also attend this workshop. I would also remind all, that Regulators including CSHO's, are very much like Physics; they exist, and at some time they will attempt to exert their influence. The point of this analogy is **NOT** to encourage you to "control" their influence, but to remind you that when you understand their mandate and protocols, you can and should **MANAGE** the process. Finally, to help with understanding the beginning of the inspection process, the mandatory Cal/OSHA pre-inspection activities will be presented in this newsletter.

Prior to Cal/OSHA Compliance initiating a visit, they will already know much about the targeted employers' programs and history. The fact remains, however, that the Public Sector, because of its complicated structure, typically does not know where and to what degree this historical data may be found. Ergo, the span of control is compromised, inefficient and lends itself to increasingly costly after effects both from Cal/OSHA, Workers Compensation and third party litigation. This places those Public Sector Health and Safety practitioners at a distinct disadvantage. In other words, the morphology of the entire organization fosters continuous failure potential because the Public Sector is almost too compartmentalized where employees of interrelated departments neither understand nor have been adequately trained to act in concert to one mission. Hazard recognition, evaluation and control on a systemwide basis.



For starters, your Senior Management may not be current in the cost of Cal/OSHA Citations, and more importantly, not know that all OSHA programs have provisions for classifying citations as "Serious", "Serious Repeat" and/or "Serious Repeat Willful" the latter of which may trigger a referral to the Cal/OSHA Bureau of Investigations for possible criminal prosecutions. Hence, to convince the chain of command to actively and consistently support your program **WE, practitioners**, need to know where to find convincing and real data that will demonstrate real human and organizational risks. The hyperlinks below will take you to a current 5 year listing of Cal/OSHA investigations and associated issued citations per major Public Service departments such as Police, Fire, Public Health, and Public Works in all the State of California. Take a little time to review those links that apply to your department of responsibility, take note of the Safety Orders alleged violated as well as their characterization. You should also be aware that currently, that history now will become the basis for a "repeat" citation with a maximum penalty of \$158,000 plus or minus since the entire City, County, School, or University is classified as **one employer** regardless of which Department or Unit is the recipient of the citation.

2025 Public Sector Health & Safety Data Analysis

Links to 5 Year Public Sector Cal/OSHA Citation History ending 02-09-2025

[Community College](#)

[Public Works](#)

[Fire Departments](#)

[School District](#)

[Health and Human Services](#)

[Transportation](#)

[Parks and Recreation](#)

[University](#)

[Police](#)

[Utilities](#)

[Public Health](#)

[Water & Power](#)

Note the default history is 5 years but CSHOs may extend that search. Please also note that the date this web page was originally created was 1972 and **there is currently NO mechanism to remove** the employer history from that database. Meaning that any supporting employer documentation regarding any cited hazard should have been corrected, and if not may automatically be considered a repeat citation and subject to the penalties. This is in addition to any third party or Workers Compensation cases where the employer history may not be used in support of those claims. See latest Cal/OSHA public service announcement. [Cal/OSHA News Release Jan 27, 2025 Penalty Increase](#) **Note: to effectively understand Citation Characterization, base penalties and any qualifying adjustments go to [T8CCR336](#)**

The last data set may help you sell the importance of Health and Safety to all related Department Heads. It is a real time nationwide averaging of the direct and indirect costs associated with injuries or illnesses. The premise for this calculator is a desired "profit" margin. Granted the public sector is not motivated by profit, but the principle is the same. It's a means to assess economies of scale relative to efficiency. Note this Nationwide average assumes that an average business may expect a profit margin of about 3% as a default and the calculation DOES NOT include the impacts of a Citation post reportable injury or illness. Practice this manipulating this Calculator, it might be useful to you the next time you are engaged in a change in your organization mindset.

[OSHA Safety Pays Program](#)



A safety Policy IS not a Safety Program as required by [T8CCR3203](#) What’s Usually Missing

Over my service career, I’ve examined and Cited elements of the California IIPP and that safety order is in fact the most common Cal/OSHA citation in the History of Cal/OSHA. The problem with the public sector specifically is both its form and function. Its form is complicated, intricate, steeped in a fixed organizational culture, and managed by careerists. Its function is primarily to respond to stakeholders, their well-being, needs and whims; in short external factors. Secondly, the legal text of that code is proscriptive, global and more importantly for purposes of a citation is ***focused on activities NOT job titles***. In other words, the process used to get an activity done, at a specific time, with specific raw materials and tools, in a specific place typically under a changing environment.

For this reason, the eight elements of the IIPP need to reflect these variables not in policy statements that are focused on job titles, it needs to reflect the “realities” of the activities being performed and specifically **HOW** these activities are to be accomplished. For example, I recently reviewed an unnamed County’s Public Works IIPP as well as a County’s Police Departments alleged IIPP. The former had an issue date of September 1992, had 22 pages of “responsibilities”, “duties”, and/or “assignments” as well as an additional 22 plus pages of topic specific checklists. The latter was 1 page containing essentially the same but at a smaller scale. Both were rife with “policy” related words including such words as “will” and “shall” and for the most part addressed the questions of “who” and “what”; but were notoriously lacking in the “when”, “where”, “why” and most importantly the “HOW”. Simply stated, Compliance needs to test and verify the evidence that supports the conclusions, and the public sector just categorically has difficulty **proving** that it is in compliance with both the intent and letter of the law. The IIPP citation history further suggests that the biggest systemic errors plaguing the public sector is that neither line managers nor upper managers understand nor have been trained in hazard categories nor their hierarchy of control; and because such is the case, the requisite situational thinking and awareness is compromised, and failures persist both in the controlling documents as well as safe performance. To illustrate the citation risk with the most common elements of the IIPP are 3203(a)(4) as well as 3203(a)(6) which are intrinsically related yet rarely understand and implemented.

The subsection T8CCR3203(a)(4) stipulates one general requirement and three situational requirements. It demands that a “procedure” be established documenting two performance elements. One that “identifies” and one that “evaluates” hazards. In a nutshell this means that the document used to identify **MUST** also have means to “triage” the hazard relative to its outcome. Hence a stereotypical checklist does not qualify as complying. Furthermore, this subsection absolutely informs and instructs the user to be attentive to “trigger” tasks as to when to deploy the requisite **INSPECTIONS**. Subsection (a)(4)(B) requires that anytime that any elements surrounding the **ACTIVITY** change, a pre-inspection is required. Subsection (a)(4)(C) requires a response for inspection any time “supervision” is made aware about changes in the surroundings controlling that activity.

Equally Subsection 3203(a)(6) also has two subsections, and the entire section simply require the employer to develop and implement a corrective timeline for correction of observed or discovered hazards. That timeline for corrective action must reflect the urgency of the hazard evaluation relative to its severity, extent and likelihood of the outcome in either injury or illness potential.

Both (a)(4) and (a)(6) are interrelated safety orders and the Cal/OSHA history suggests that both are typically cited regarding the same hazard. Basically, the organizations failure in program understanding essentially sets up a citation twofer and should be addressed.

Human Resources, Training Records and other Cal/OSHA Related Activities

During the 1970's and 80's Labor legislation involving worker rights have increased the focus on enforcement and penalties for non-compliance and Personnel Departments were essentially forced to evolve from clerical work to a more Human Resource Management concept involving not just recruiting, hiring, promotions, firing, and basic onboard training. They also started to have greater involvement in Workers Compensation, Risk Management, Benefits Programs, business continuity and succession. In fact, those critical years set the stage for and gained traction to a name change from Personnel to the term "Human Resources". Although the public sector has also adopted the term Human Resources as a professional and organizational title, functionally however, it still lags in the full integration of OSHA related applications as a team effort. In my experiences, today's HR is generally not fully or functionally aware of how they should begin the process of recruiting, on boarding, and awareness training in basic hazards associated with a job classification and specific hazard recognition for specific activities.

Furthermore, there are Safety Code specific records collection and retention requirements specified in more than the general industry order [T8CCR3204](#). Specific codes requiring records creation and retention include the [IIPP](#), [HazCom](#), [Respiratory Protection](#), [Hearing Conservation](#), and virtually every Regulated Carcinogen Code in California including Asbestos, HazWoper, and Lead. Yet, experientially, when asked to produce records for satisfying and verifying Code compliance, the records are often compromised in their existence or completeness. Each of these Codes further typically stipulate that the employer "ensure" compliance, yet often, evidence of any or all corrective measures regarding employee safety and health compliance is typically minimal or non-existent. As a research effort to illustrate my point, please review a typical organizational job post and assess to what degree **any OSHA hazard** class is aired as an integral part of the recruitment notification to potential new hires.

Lastly, consider the quality, type and delivery of training that is required to be deployed either as a new hazard topic or as a recurring effort stipulated by any specific Safety Code. The single most important training Code to all organizations is [T8CCR3203\(a\)\(7\)\(F\)](#) which requires task and trade specific hazard recognition and control training for SUPERVISORS. Again, from a historical perspective the public sector is dismal at best. Considering that HR is typically in possession of spaces and technology, they should be able to provide venues and content that are conducive to effective learning on the part of their employees be it for new or seasoned employees. Regardless of the topic specified in Codes; content, instructor, delivery type and environment should be conducive to adult learning. The learning both in knowledge and retention will always be tested by Compliance during the interview process and is usually deemed to be "ineffective". Simply put, Human Resources and Safety and Health have one target population as a primary mission in common, the public sector employee. In my view, they are partners and teammates; one should not be valued more than the other.



Helpful Hints and OTHER Cal/OSHA News

Cal/OSHA Log 300 Summary - News Release Due since February 1 through April 30

January 2025 Updated Information Fact Sheets and Publications

| | |
|---------|---|
| Updated | <u>Combined Indoor and Outdoor Heat Illness Prevention Model Plan for Employers - Spanish</u> |
| Updated | <u>Bird Flu Fast Facts Infographic for Employers</u> |
| Updated | <u>Bird Flu Fast Facts Infographic for Workers</u> |
| New | <u>Bird Flu Fast Facts Infographic for Employers - Spanish</u> |
| New | <u>Bird Flu Fast Facts Infographic for Employers - Farsi</u> |
| New | <u>Bird Flu Fast Facts Infographic for Employers - Hmong</u> |
| New | <u>Bird Flu Fast Facts Infographic for Employers - Punjabi</u> |
| New | <u>Bird Flu Fast Facts Infographic for Employers - Tagalog</u> |
| New | <u>Bird Flu Fast Facts Infographic for Workers - Spanish</u> |
| New | <u>Bird Flu Fast Facts Infographic for Workers - Farsi</u> |
| New | <u>Bird Flu Fast Facts Infographic for Workers - Hmong</u> |
| New | <u>Bird Flu Fast Facts Infographic for Workers - Punjabi</u> |
| New | <u>Bird Flu Fast Facts Infographic for Workers - Tagalog</u> |
| Updated | <u>Bird Flu Information for Employers</u> |
| Updated | <u>Bird Flu Information for Employers - Spanish</u> |
| Updated | <u>Bird Flu Information for Employers - Hmong</u> |
| Updated | <u>Bird Flu Information for Employers - Punjabi</u> |
| Updated | <u>What Workers Need to Know About Bird Flu</u> |
| Updated | <u>What Workers Need to Know About Bird Flu - Spanish</u> |
| Updated | <u>What Workers Need to Know About Bird Flu - Hmong</u> |
| Updated | <u>What Workers Need to Know About Bird Flu - Punjabi</u> |
| New | <u>Model Written Lead Compliance Program for</u> General Industry |
| New | <u>Model Written Lead Compliance Program for</u> General Industry |
| New | <u>Lead in</u> General Industry - <u>Information for Employees Fact Sheet</u> |
| New | <u>Lead in</u> General Industry - <u>Information for Employers Fact Sheet</u> |

Please visit Cal/OSHA Consultation FREE Training and Safety Awareness Events as well as Occupational Safety & Health Topic Specific Awareness Training And the Cal/OSHA Training Academy and Resources

Below is an example of how **for 1 activity** there are multiple overlapping and citable Safety Orders Applicable and Overlapping Safety Orders for Controls of Hazardous Energies (LOTO)

See URL: <https://www.dir.ca.gov/dosh/etools/08-003/index.htm>

Cal/OHSA Lockout/Tagout for Employers E-Tool

Data: **LOTO Serious Injuries/Fatalities** – Total Entries to Date: 9671 and *does not* include amputations/disfigurements etc.

URL: https://www.osha.gov/ords/imis/accidentsearch.display_keyword?v_keywordletter=L

Cal/OSHA Most Common Citations: Since 2004 LOTO related citations trend to be about midline of the top 10 most common citations and are usually "Serious".

Nationwide Average Cost for Amputations to offset 3% profit margins Excluding Compliance Visits: \$6,720,200 <https://www.osha.gov/safetypays/estimator>

California Code of Regulations, title 8, sections relating to methods and controls for protecting employees who are exposed to the hazardous energies of equipment and machinery during cleaning, servicing, adjusting, unjamming, repairing, and setting-up operations. Depending on the process, the environment some or all of the following safety orders may, situationally, influence the severity, the extent and the likelihood that a negative event may be both possible as well as probable. Hence depending on the "evidence", CSHO could cite any and all of the safety orders including, but not limited to: **General Industry Safety Orders**

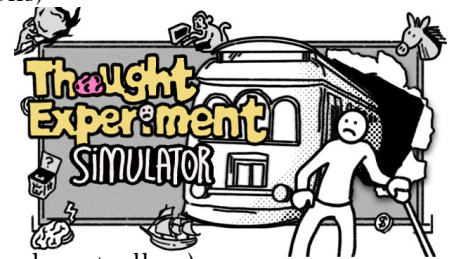
- [3203](#) Injury and Illness Prevention Program
- [3273\(g\)](#) Working Area - sufficient workspace for servicing machinery below the floor line
- [3314](#) The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, etc.
- [3328](#) Machinery and Equipment (safe practices)
- [3329](#) Pipe Lines (safe practices)
- [3340](#) Accident Prevention Signs
- [3341](#) Accident Prevention Tags
- [3441](#) Operation of Agricultural Equipment (see "global" definitions)
- [4909](#) Runway Repair (cranes)
- [5157](#) Permit-Required Confined Spaces
- [5158](#) Other Confined Space Operations

Electrical Safety Orders:

- [2320.1 et seq.](#) Work Procedures (low-voltage)
- [2530.43](#) Automatic Restarting
- [2530.86](#) Motor Not in Sight From Controller
- [2530.107](#) Readily Accessible (disconnect for motors, motor circuits, and controllers)
- [2530.113](#) Energy From More Than One Source
- [2534.6](#) Drainage of Stored Charge (capacitors)
- [2940 et seq.](#) Work Procedures and Operating Procedures (high-voltage)
- [2941](#) Work on or in Proximity to Overhead High Voltage Lines
- [2943](#) Work on or in Proximity to Underground High-Voltage Cables, Conductors or Equipment
- [2944](#) Work on or in Proximity to Conductors and Equipment Located in High-Voltage Stations, or Switchyards
- [2945](#) Access and Workspace Requirements

Construction Safety Orders:

- [1595](#) Repair of Haulage Vehicles, Tractors, Bulldozers and Similar Equipment
- [1950 et seq.](#) Confined Spaces in Construction



See you in March and Bring Colleagues, and Cases