



"The Public Interest"

Health/Safety and Environmental Issues

the PASMA way to shared knowledge

Public Agency Safety Management Association

June 1, 2026

Front Page:

Walking/Working Surfaces	Pg. 1
Inter-related Safety Orders	Pg. 2
Safety Committee Flaws	Pg. 3
Inspection Interviews	Pg. 4-5
PASMA WebPage/LinkedIn	Pg. 6

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Proposed Walking/Working Surfaces

In keeping with its Certification in 1973, Cal/OSHA's program must be "at least as effective" as the National Minimum Standards when an update is in effect. The Cal/OSHA Standards Board has therefore incorporated CFR language into several Standards to reflect those adjustments. The most recent updated (CFR) Code of Federal Regulations "Walking/Working" surfaces is therefore on the Cal/OSHA Standards Board drawing board and serves as an introduction for California employers to remember that for any one topic specific Code there may other Codes that could also be enforceable particularly since Cal/OSHA does not have a specific Safety Order with the title "walking/working" surfaces, and instead created several safety orders whose context reflects that generic term. See below and evaluate your organizations compliance risks to the "proposed" standards.

STATE OF CALIFORNIA - DEPARTMENT OF INDUSTRIAL RELATIONS

Gavin Newsom, Governor

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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Date: May 19, 2026

From: Maryrose Chan, Senior Safety Engineer

Re: **Stakeholder Comment Request**
General Industry Safety Orders
Article 4. Access, Workspace, and Work Areas
Comment Period: May 19, 2026, to June 19, 2026

The Occupational Safety and Health Standards Board (OSHSB) is requesting input from stakeholders on draft proposed regulatory language.

This preliminary rulemaking activity was prompted by the Federal Walking-Working Surfaces standard, which was published in the Federal Register on November 18, 2016. OSHSB is informally seeking comments from the regulated public prior to commencing the formal rulemaking process. Comments received will help guide OSHSB's next steps.

A copy of proposed amendments to title 8 sections is provided:

- §3270. Access General
- §3272. Aisles, Walkways, and Crawlways
- §3273. Working Area
- §3274. Access to Valves and Controls
- §3275. Scaffolds
- §3276. Portable Ladders
- §3278. Use of Fixed Ladders
- §3279. Step Bolts (Pole Steps), Manhole Steps and Underground Vault Steps
- §3280. Individual Rung Ladders



Note all the related but separate safety orders affected. These are "situationally" impacted

Please note that proposed rules regarding fixed ladders are not included in the above list because an [advisory committee meeting](#) was held on February 12, 2020.

Please send your comments to mchan@dir.ca.gov by June 19, 2026, at 5:00 PM.

Thank you for participating in the rulemaking process.

The Standard Board Notice for comments above, is a *very good lead-in to the following example* of how employers, certainly the Public Sector, tend to increase their own Citation risk by failing to understand the “interrelatedness of specific safety orders”. Below highlights the “topic” specific safety orders that are related and thus citable relative to ONE Hazard category; in this case a chemistry.

*How “hazards” with specific codes are related to each other.
A case study in looking for “trigger” tasks in the Codes*

To this day, my field experiences suggests that most employers DO NOT understand the relationships between different codes relative to one process or activity. To be sure, “performance” based codes tend to be comprehensive in scope and lengthy in structure. Nevertheless, the **following is an example of the citation risks associated with one hazard covered by multiple codes.**

The following is an **example of a chemistry** that may be used in any workplace and the applicable prescriptive code subsections that may be cited because the employer **DID NOT** understand the contextual implications of the legal text that tend to be situational and prescriptive. There really is **NO OPTION, but to prove your case.**

3203 – IIPP – **(a)(4) and particularly (B) and (C)** require continuous detection to changes in the working environments by employees and their supervisors who need to communicate those changes to management for a timely response and correction.

5155 (e)(1) through (e)(4) – Airborne Contaminants – These subsections are mandatory and CSHO’s will use representative employer SDS’s to determine if sampling was in fact done. CSHOs will look for any “alerts” such as low PEL’, STEL’s, C’s and or S’s. These are automatic “triggers” that require sampling and documentation with control measures.

5194 – The HazCom. **(d)(1) through (6)** establish and assign mandatory performance “Hazard Analysis” duties on employers of a highly technical nature. 5194 (e)(1) through (3) requires a written form of communication between ALL parties including employees of the technical information and controls found on ANY SDS in a language that can be understood and acted on by all parties.

5141 – Control of Harmful Exposures in its entirety establishes conditions to implement the **HIERARCHY of CONTROLS**. The singular failure for most employers is that the implied hazard assessment is neither done nor documented.

5143 – Mechanical Ventilation Systems is globally defined in the “definitions” section of section 5140 and is applicable in the removal of dust, fumes, mists, vapors and gases as a mandatory engineering control first pending a hazard assessment.

3328 – Machinery and Equipment – Is a “global” safety order. Subsection **(a)(1) and (a)(2)** are **NOT** manufacturer center, they are end user duties to find the best suited to match the environment and stresses associated with all the employers activities for which machinery and equipment is needed. Subsections **(b) through (h)** hold the employer responsible and accountable to conform to manufacturers’ owners, users, inspection and maintenance specifications.

3380 – PPE – The most notable subsections are **(f)(1) and (f)(2)** which require the employer to perform a thorough **HAZARD ASSESSMENT** by a proficient individual and document that via a “certification statement” that the HAZARD ASSESSMENT was performed. An actual **DOCUMENT**.

5144 – Respiratory Protection – Subsection **(c)** requires the assignment of a “**suitably trained administrator**”. Subsection **(l)** requires there be regular “evaluations” of the program including employee inputs. Subsection **(m)** invokes **compliance to Section 3204 Record Keeping**



And now a special word or two about Labor Management Safety Committee and how they negatively affect the substantial compliance outcome measure for Compliance. Most Public Sector Employers do have a Joint Labor/Management Committee as defined in the safety order. What is **NOT** well understood are the nuanced contextual requirements implicated in that term relative to the option to develop, implement and maintain such a committee. In my experiences, most public sector employers do not meet the requirements of such a titled committee and rather have a semblance of an Ad Hoc committee. This would be a violation and contribute to the "Ineffectiveness" of the program and as such citable.

Joint Labor/Management Safety Committee – A Simple Gap Analysis

The historical problem with having a "labor/management" safety committee is usually a lack of an organized structured which is staffed with technically knowledgeable members. An employers IIPP is in "Substantial compliance" if the evidence proves it through corporate records and employee interviews. Lastly, please keep in mind that your **IIPP SHOULD REFLECT THE SPECIFICS OF THE SECTION, UNIT OR DEPARTMENT AT ANY GIVEN PHYSICAL ADDRESS.**

3203(c) Employers who **elect to use a labor/management safety and health committee to comply with the communication requirements of subsection (a)(3)** of this section shall be presumed to be in substantial compliance with subsection (a)(3) if the committee: (all subsections must be in compliance)

- (1) Meets regularly, but not less than quarterly;
- (2) Prepares and makes available to the affected employees, written records of the safety and health issues discussed at the committee meetings **and, maintained for review by the Division upon request.** The committee meeting records shall be maintained for at least one (1) year;
- (3) **Reviews results of the periodic, scheduled worksite inspections;** (functionally, do all members of the committee have "working" knowledge of site hazards, levels of control, and injury and illnesses.)
- (4) Reviews investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness, or exposure to hazardous substances and, where appropriate, submits suggestions to management for the prevention of future incidents; (this requires competency in root cause analysis and the hierarchy of control)
- (5) Reviews investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, the committee may conduct its own inspection and investigation to assist in remedial solutions; (does management allow this at all)
- (6) Submits recommendations to assist in the evaluation of employee safety suggestions; and
- (7) Upon request from the Division, verifies abatement action taken by the employer to abate citations issued by the Division. (this is proven via any interviews throughout the inspection process)

H&S Safety Committee Structural and Operational Questions to be assessed

1. Is there a mission statement, org chart, and rules of order – if not it's an Ad Hoc Committee
2. Is the chairpersonship shared equally, and the number of members odd/even, how is a voting tie broken.
3. How are members selected and vetted for "working" knowledge of represented work processes, hazard recognition, evaluation and control.
4. Are committee members versed in reading and understanding Code.

Employers IIPP, including their health and safety committee "effectiveness" rating is listed in the examples of the outcome requirements listed in [Cal/OSHA P&P C45A pages 5-8](#)

"Substantial Compliance" is rated on all the evidence presented and analyzed by Compliance. Please note that it's not what you believe, it's what you can prove. If more than 1 of the above elements are missing or found deficient relative to the performance of the Committee, the most efficient way to minimize additional risk is to consider changing the name to something other than "Labor/Management Safety Committee". Say, an "Advisory Council". After all, most employers already have other "means" of communicating with employees via those listed in [3203\(a\)\(3\)](#)

Cal/OSHA Interview Questions

Throughout OSHA jurisdictions, the interview process is a mandatory activity and has, in my experiences, been the only means to support citations particularly absent any hard evidence. The list of open-ended questions were directly drawn from OSHA SEP CPLs. Note that all the questions are "open" ended and ANY answer will be used to launch more specific in-depth scenario-based questions which will typically include yes/no based questions. I'm sharing these for two reasons: a) the employer could use these to "prep" particularly line managers during in-service training and b) they can also be used as a gap analysis tool to formulate system wide H&S surveys used to identify gaps in programming and training efforts.

"Purpose. Interviews are an important tool in assessing the effectiveness of a site's safety and health programming. These questions are intended to guide the OSHA reviewer during oral employee interviews. To begin, explain the purpose of the interview and the reason for OSHA's presence at the site. Make employees aware that interviews are *kept confidential* (not something they can guarantee)...." Quote from the OSHA SEP.

General Employee Interview Questions.

1. How long have you worked here?
2. Tell me about your job. What do you do during a typical day?
3. What are the safety and health hazards of your job?
4. How do you protect yourself from those hazards? What kind of personal protective equipment do you wear? Were you provided training?
5. What type of safety and health training have you received?
6. What happens if management disobeys a company safety rule? If an employee disobeys?
7. How do you respond in the event of a fire, hazardous waste spill, alarm, or medical emergency?
8. What does the IIPP mean to you?
9. What is one method of reporting a safety or health concern? What was the last unsafe practice you reported and/or corrected?
10. How do your supervisors demonstrate their involvement in safety and health?
11. Have you ever seen anyone testing the air, noise levels, or conducting other surveys for possible health hazards? Do you know what the results were or what they meant?
12. Have you or anyone you know ever been injured or experienced a job-related illness? What is the procedure when someone is injured?
13. How are you involved in the safety decision-making process?
14. Is Safety and Health valued in your organization?
15. What is one objective in your department's safety program?
16. How does management support your involvement in safety?
17. What are your rights under OSHA?
18. Is there anything else you think we should know about the safety and health program here?

Supervisors.

1. How long have you worked here? When did you become a supervisor?
2. What do you see as your role in safety and health?
3. To what kinds of hazards are you and/or your employees exposed?
4. Has the company's upper management provided adequate resources for safety and health programming, such as funding, time, and technical support?
5. What do you do when you discover a hazard in your area?
6. What do you do when an employee reports a hazard in your area?
7. Do you provide employee training in safety-related topics? (If so, please describe.)
8. Please give some examples where you had to use the disciplinary system for infractions of safety and health rules.
9. When was the last emergency drill? What is your role in drills?
10. How are you held accountable for ensuring safe and healthful working conditions in your area?
11. At high hazard chemical plants only: Is maintenance satisfactory, particularly on release prevention equipment? Is there adequate supervision provided for work performed on all shifts?
12. Do you have contract employees working in your area? If so, how do you control, and address safety or health hazards relating to or created by them?
13. Are there routine or unannounced inspections? Who participates?

Recordkeepers.

1. Who is responsible for recordkeeping?
2. Is your site recordkeeping centralized? Is it computerized?
3. Do you have a completed Summary of Occupational Injuries and Illnesses for the last 3 calendar years? Do you have the supplemental documentation for each case entered on the log?
4. Which form do you use as the supplementary record: OSHA's First Report of Injury, a State workers' compensation form, an insurer's form, or other?
5. What is the process by which injury and illness information gets to the recordkeeper? After an injury or illness occurs, how long does it take to enter it on the log?
6. What type of reference material do you refer to for guidance on keeping illness and injury records?
7. Who decides whether a case is recordable?
8. How do you determine whether a case is work-related?
9. Do you record any cases on the OSHA forms that are not compensable under workers' compensation?
10. How do you distinguish between an injury and an illness? Between medical treatment and first aid?
11. When does a case involve lost workdays? What constitutes restricted work activity?
12. What is your process for monitoring applicable contractor logs?
13. How do you safeguard the confidentiality of medical records?
14. How do you assure that any work restrictions are applied appropriately?
15. How have you assured timely and clear communications with the health care professional?

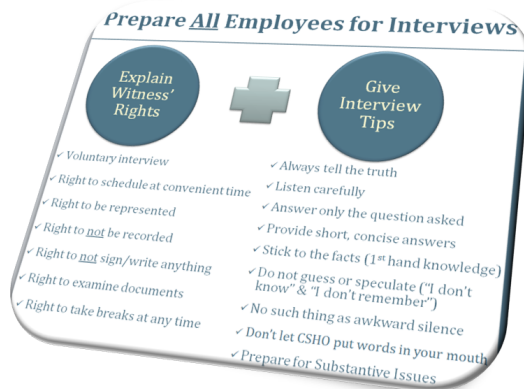
Occupational Health Care Professionals.

1. What are your qualifications and licenses?
2. What procedures are in place to ensure that health care services are delivered consistently and effectively?
3. What type of audit procedures do you use to compare your process with acceptable standards of practice and OSHA requirements?
4. Are employees provided timely access to services?
5. How do you assure that work restrictions or work removal are followed?
6. How are you made aware of the job hazards at this facility? Are you included in identification of workplace hazards, or development of restricted duty jobs, or other onsite issues?
7. What kinds of health surveillance programs are in place?
8. How do you communicate health surveillance data to employees and management to reduce future risk?
9. Explain how you evaluate the effectiveness of your occupational health care program.

Maintenance Personnel.

1. Is there a scheduled preventive maintenance program? How is it carried out?
2. Do maintenance personnel participate in safety functions?
3. Is there a priority system for safety/environmental related maintenance items? Is it being followed?
4. Does the preventive maintenance program include onsite vehicles, sprinkler systems, detection/alarm equipment, fire protection and emergency equipment?
5. Do you have input concerning safety and ease of maintenance for new equipment and machinery purchases?
6. Do you have an inventory of spare parts critical to safety and environmental protection?
7. Are you trained in the control of hazardous energy and the proper use of locks and tags?
8. Is there a system in place to track requests for repairs?
9. What methods are used to monitor the condition of critical equipment?
10. What is the ratio of scheduled versus unscheduled maintenance work?
11. What has the trend regarding maintenance been like over the past few years?

At sites covered by Process Safety Management (PSM), ask appropriate questions from the Dynamic Inspection Priority Lists.



PASMA LinkedIn account REBOOT

Our 2026 PASMA Board has been focused in expanding our programs visibility and footprint through social media and has started with rebooting our [LinkedIn](#) account as well as the functionality of our website. As an "old" timer, I would like to give a shout out to our techie board members particularly Mr. Antony Garcia, Ms. Lori Chu and Ms. Mary Ann for going above and beyond in rebooting our LinkedIn account to serve our entire membership. Equally, if you haven't investigated our web site recently or signed up with LinkedIn, please do both in support of our primary mission, boots on the ground for employees through collective and share knowledge. FYI our website specifically has a "resource" section that is for members only. **It is an index library of OSHA and related topics web pages that I update as I find them.** Please let us know what you think of these resources and let me know if there is anything that I've overlooked. We aim to please.



PASMA Mission in Graphics – We FIND, We TRIAGE

Harm
Hazards could cause different types of harm including death, injury, illness, damage, or other loss.

Law
The law requires you to identify hazards in your business.

What is a hazard?

Definition
A hazard is something with the potential to cause harm.

Types
A hazard could be a substance, machine, activity, method of work, or process.

Substances
Cement, asbestos, wood dust, paints, chemicals, flammable liquids, gases, fuels, biological hazards.

Equipment
Hand tools, power tools, ladders, scaffolding, lifting equipment, mobile equipment, blades, rotating parts, DSE, electrical hazards.

Hazard Examples

Activities
Work at height, hot work, work near water, lifting, lone work, machinery, manual handling.

Environment
Noise, dust, sun, wind, rain, ice, services, cables, lighting, spills, access, vehicles, people.

Risk
Risk = Likelihood x Severity. Likelihood is how likely harm could occur, and severity is how serious the harm could be.

Likelihood
The likelihood of harm occurring could range from very unlikely to highly likely.

What is a risk?

Definition
A risk is the chance that somebody could be harmed by the hazard.

Severity
The severity of the harm could range from minor short-term harm to major life-changing injuries or death.

Health Risks
Health risks could mean people get sick, for example, asthma, dermatitis, hand-arm vibration syndrome, lung conditions, cancer, and other occupational diseases.

Risk Level
Is the risk low, medium, or high? You might use a 2x2 matrix, 5x5 matrix, or some other measure to calculate this.

Risk Examples

Safety Risks
Safety risks could cause an accident and people might get injured, for example, a fall, drowning, a cut, or a broken bone.

Likelihood x Severity
How likely is it people will be hurt? How severe could the harm be?

WE FIX

Limiting the amount of time someone is exposed to hazards	Written operating procedures	Standards for safe work practices
Safety and health rules for employees	Alarms, signs, and labels.	Buddy system
Training (and refresher training)	Stretching and warm-up exercises	Break policies