



"The Public Interest"

Health/Safety and Environmental Issues

the PASMA way to shared knowledge

Public Agency Safety Management Association
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Front Page:

Shout Out T8CCR3324
Selling the Safety Concept.
"Manager Go To Jail"

Pg. 1
Pg. 2
Pg. 3-4

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@dcfs.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

WebMaster: Antony Garcia, Safety Officer,
City of Palmdale Operations and Risk Mgt.
661/267/5494.

PASMA Interim Legislative Affairs:
Dick Monod de Froideville

PASMA North:
Gina Eicher, City of Walnut Creek,
Director Public Wrks. 925/256/3513
eicher@walnutcreek.org

Vice President: Vacant

Treasurer:
Sylvia Elizarraraz, Safety Services Mgr.
Contra Costa Health Pers. Safety Svcs
925/655/2443
Sylvia.Elizarraraz@cchealth.org

Secretary & Leg. Affairs: Vacant



T8CCR3324 Sliding Gates

Last month, *Ms. Paula Bouyounes, OCWD* reminded me that the Cal/OSHA Standards Board had reworked the text of **T8CCR3324 Sliding Gates**. In doing so, I was able to re-examine the proposed safety order and have circulated a letter urging all Public Sector Employers to **read** the proposed text and vocalize all commentary that may impact their compliance efforts should this proposed safety order pass. Ms. Bouyounes also suggested that we, the Public Sector all become signatories to one opposition letter to the Standards Board and our PASMA Board Members agreed. To this end, the Standards Board might be swayed in amending this new safety order if we collectively produced **HARD ECONOMIC DATA** showing the resource difficulties in attempting compliance with this proposed safety order. To support that goal, may I suggest that each of you bring this proposed order to all your Departments/Units where this equipment is located and document a) the total number of units; b) any historical events documenting ANY injuries involved with installation, inspection and maintenance of this equipment in the last 5 years; and c) total expenditures associated with repair/replacement of said equipment. May I also suggest that you provide that information to the PASMA Board and a unified letter summarizing the data could be generated and forwarded for consideration. As a final reminder, my comments on that proposed standard as well as a draft letter should have been circulated among all of our membership. Please act on this as soon as possible and should you need any assistance please feel free to reach out to me. **I'll help, but I'll also need your help!**





2026 PASMA Election Committee needed!
Please contact our Secretary!

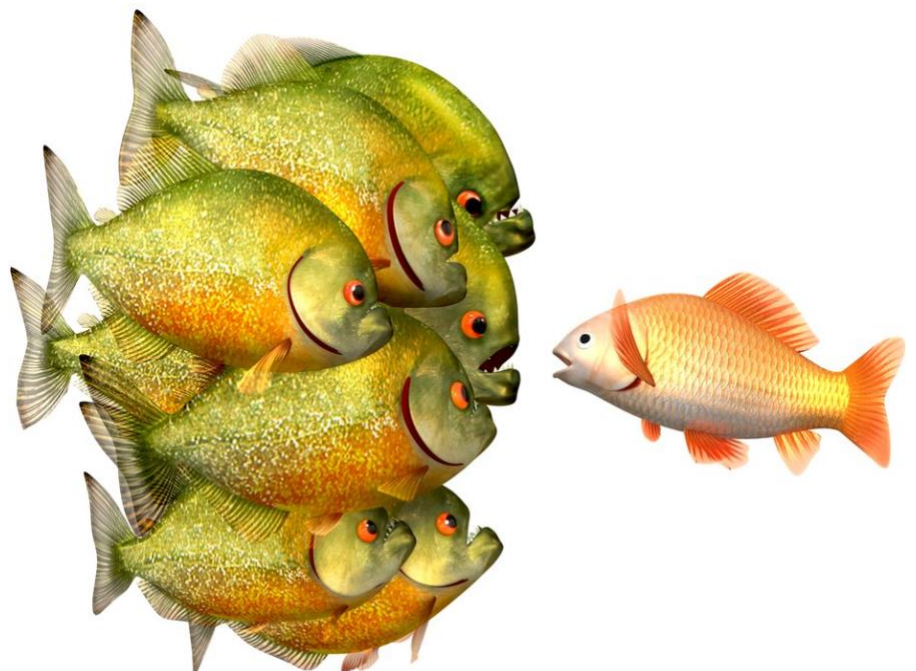


Selling the Occupational Safety and Health Concept
"I hear you, but WIFM"

I believe that Occupational Safety and Health is a **Concept** that needs to be "sold" like any other consumer good. Effective consumerism and loyalty is highly dependent on establishing and developing a clear product advantage, then market it to the right consumer and then fortified through constant and effective messaging. We as technically oriented individuals typically have not benefitted from sales and marketing knowledge and skills; and in my opinion, has thus become a disadvantage in solidifying the **WIFM** factor on the part of our employees. A critical part of creating that "**product loyalty**" factor are three things: credibility, consistency, and support. Attached are some articles that may narrow some of our sales skills deficiencies through real life examples. Lastly, if I may share my personal experiences, apply the trial-and-error sales pitches you used on your own kids and youth sports players, they may provide some insight. At least it may ease the possible pain of disillusionment. After all look and see how well they turned out. Please enjoy and where you can convert this field knowledge, please do so by adopting similar tactics and edit to suit your individual organization and culture. There really is no magic wand to this, only trial, error, and adjustments to suit an individual need.

Articles:

- [The Art of Selling Safety](#)
- [Selling Safety to Leadership](#)
- [Selling Safety to the Front Line](#)
- [The Untapped Secret of Selling Safety](#)



School is in Session

....and then, for Supervisors, there is always the "Principals" office; aka, a "nudge from the Judge"

The aforementioned hyperlinked articles should solidify a sustained efforts to sell this NOBLE concept of health and safety. However, there are times when some "friendly" persuasion comes in handy by highlighting the legal and historical record.

California's "Be a Manager, Go to Jail" Law

One of California's numerous special environmental, health and wellness (EH&S) laws is its ["Corporate Criminal Liability Act \(CCLA\)."](#) CCLA offers greatly expanded prospective personal criminal liabilities for infractions by managers, so is often described as the "Be a Manager, Go to Jail" law. Enacted in 1990, CCLA draws both from occupational safety and item liability laws, to provide sweeping requirements for corporations and managers to ease off or warn exposed people (including employees) about a broad variety of major **concealed threats** happening in a **broad variety of circumstances**, consisting of both **workplaces and items**.

Specifying Terms

CCLA applies to a "supervisor with real knowledge of a severe hidden risk." (California Penal Code area 387). It provides (broad) definitions for each of these crucial terms. First, the act applies to managers, who are specified as follows:

"Manager" suggests an individual having both:

- Management authority in or as a service entity [defined to include corporations and limited liability entities]
- Substantial duty for any aspect of an organization that includes actual authority for the security of a product or service practice, or for the conduct of research study or screening in connection with a product or business practice.

Product is defined broadly as "an article of trade or commerce or other product which is a concrete or an intangible, including services."

Compliance requirements and potential liability are triggered by "actual knowledge of a severe concealed danger," which are specified as follows:

- **Serious hidden risk**, used with respect to a product or company practice, indicates that the normal or foreseeable usage of, or the direct exposure of a specific to, the product or business practice produces a significant probability of death, fantastic physical harm, or serious direct exposure to a specific, and the threat is not readily apparent to an individual who is most likely to be exposed.
- **Actual knowledge**, used with regard to a major concealed danger, implies information about the manager and circumstances that would convince a reasonable person that the major hidden threat exists.
- **Real knowledge** of a serious hidden threat sets off a duty either to abate the threat, or to caution affected individuals (e.g., staff members or consumers) and inform California's Division of Occupational Safety and Health (Cal/OSHA). The reduction or disclosures need to be achieved within 15 days after the real understanding is obtained, except that they should be accomplished immediately if there is "impending danger of great physical damage or death."

Abatement can be achieved by removing any one of the 3 aspects of a "serious concealed risk" need not be challenging. If the risk is exposed to exposed people-- by publishing notification of a suffocation or electrocution risk, for example-- it's no longer "hidden" even if it's still severe.

If the real risk is eased off-- by providing ventilation for a climatic danger, or insulation or a lockout/blockout system for electrocution risks, for example-- it may no longer be severe. If the threat is gotten rid of-- by reformulating or redesigning a product-- it might no longer be a threat at all.

On the other hand, readers need to bear in mind the definition of "actual understanding"-- a manager does not need to know there's a threat, feel in one's bones enough about the situation that a sensible person would figure it out. Similar to all "reasonable person" requirements in civil and criminal laws, this is decided on a case-by-case basis by each jury. This uncertainty-- provided with facts, which may be stunning, will a jury choose the defendant is guilty?-- causes considerable pressure on prosecutors' targets to settle or plea bargain.

Punishments For Violations

CCLA offers the following penalty for failure to abate or reveal within the recommended deadlines, after getting real understanding of a serious hidden danger:

- Jail time in county jail for as much as 1 year and/or a fine not going beyond \$10,000
- Imprisonment in state jail for 16 months, 2 years, or 3 years and/or a fine not going beyond \$25,000
- A fine not to go beyond \$1 million where the offender is a corporation or a minimal liability company.

CCLA does not restrict the variety of culpable supervisors who can be charged for failure to notify the proper organizations of a single threat. This suggests that every "manager" in an organization might go through criminal examination and prospective prosecution, based on how details are communicated within the company. What if a center's EH&S supervisor has emailed a memo to other managers within the company expressing concern about a threat? She or he may simply have actually given everyone on the circulation list "actual understanding" of the danger, if a jury might decide that sensible managers have reason to think cautions from in-house EH&S experts.

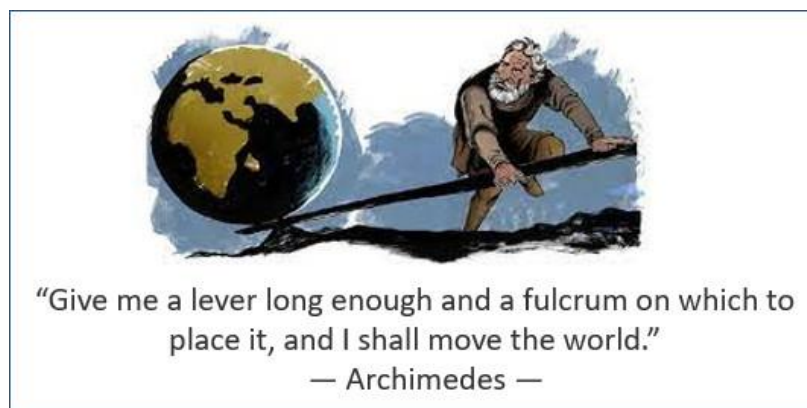
How Has CCLA Been Used?

There have actually been only a handful of reported CCLA convictions in almost three years. One involved a website where electrified devices self-actuated when bumped by a night janitor, who was pulled in and eliminated.

Another included producers of a "traditional natural remedy" which contained unsafe levels of heavy metals. In addition, however, I've heard many unofficial reports of prosecutors threatening CCLA prosecution in part to cause potential offenders to plead guilty to lesser criminal offenses or significant civil settlements, **and CAL/OSHA HAS A SPECIAL UNIT KNOWN AS THE BUREAU OF INVESTIGATIONS**

TAKE AWAY?? We in the Field of Occupational Safety and Health...provide **"LEVERAGE = identifying your strengths, placing and using where needed for easy lifts"**

Latest "manager held accountable" [Cal/OSHA August News Release](#)



Job Posts

[Division of Occupational Safety and Health \(Cal/OSHA\)](#) This is your opportunity to work with a remarkable team of engineers, industrial hygienists, researchers, consultants, and attorneys who work collaboratively to improve health and safety conditions in workplaces in every industry throughout the State of California. Cal/OSHA also helps keep the public safe at amusement parks and on elevators and tramways.

Benefits:

Cal/OSHA provides high quality classroom and on the job training to help you advance your career. As an employee of the State of California, you will receive generous benefits, including retirement and health, dental, and vision insurance. Cal/OSHA prides itself in being able to provide its staff with public transit discounts and unbeatable work-life balance.

[Additional information about benefits.](#)

Candidates must meet the minimum qualifications, possess strong analytical and communication skills, be able to prioritize tasks and meet multiple demands and deadlines. Bilingual candidates and candidates with combined safety and industrial hygiene experience are encouraged to apply.

Find out more about how you can join our diverse team:

[Learn how to become a Cal/OSHA Inspector](#)

[Learn how to get a state job](#)

Cal/OSHA is part of the Department of Industrial Relations (DIR). [Learn more about how to apply at the DIR.](#)

Specific position information:

Become a [Cal/OSHA Inspector](#)

Become a [Cal/OSHA Elevator Safety Engineer](#)

Become a [Bureau of Investigations Special Investigator](#)

Job Openings and Exams

- All [DIR Job Openings](#)
- [All online DIR Exams](#) (self-assessment)

2026 PASMA Recruitment Drive – I'm trying to co-ordinate a big recruitment drive for membership to PASMA, both NORTH and SOUTH. Please help by circulating and advertising our existence and our positive impacts by sharing:

- a) this and past newsletters to any other professional in your organization, especially those line managers that have some responsibility for Safety and Health. The only criteria: are they interested in health and safety! Students are also welcome,
- b) email me any safety, health, security member in your contact base and I'll write a personal invite.

See you next time -



**CREATING
THE VISION
OF SAFETY**



California State Auditors Report on line. PLEASE READ!!!!

[2024-115 The Division of Occupational Safety and Health](#)

“Process Deficiencies and Staffing Shortages Limit Its Ability to Protect Workers

Published: July 17, 2025|Report Number: 2024-115

July 17, 2025 2024-115

The Governor of California
President pro Tempore of the Senate

Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As directed by the Joint Legislative Audit Committee, my office conducted an audit of the Division of Occupational Safety and Health (Cal/OSHA) and its efforts to enforce health and safety standards that protect California's nearly 20 million workers. We reviewed 60 case files that Cal/OSHA handled from fiscal years 2019–20 through 2023–24 and found deficiencies in Cal/OSHA's enforcement processes and staffing levels that may undermine some of California's workplace protections.

In general, we determined that Cal/OSHA did not demonstrate that it had sufficient reasons for closing some workplace complaints and accidents without conducting an on-site inspection. In nine of the 30 uninspected complaints we reviewed, we questioned Cal/OSHA's rationale for deciding not to inspect because the case files lacked evidence to support that Cal/OSHA had complied with its own policies. Some accident cases also lacked support for Cal/OSHA's decision not to inspect.

We also observed some critical weaknesses among the on-site inspections that Cal/OSHA did conduct. Cal/OSHA did not consistently document effective reviews of employers' injury and illness prevention programs, causing us to question whether it may have overlooked potential violations in some instances. When Cal/OSHA identified hazards and cited employers for violations, it did not always document that those employers had abated the hazards. Furthermore, the fines that Cal/OSHA assessed employers were sometimes less than the violations may have warranted, and Cal/OSHA often did not document a clear rationale for further reducing fines in post-citation negotiations with employers.

Cal/OSHA's process deficiencies and staffing shortages are root causes for many of the concerns we identified. Cal/OSHA has left key policy documents unrevised for years, conducted internal audits inconsistently, and relied on paper-based case files. Cal/OSHA had a 32 percent vacancy rate in fiscal year 2023–24 and even higher vacancy rates in many of its district offices, significantly limiting its ability to protect workers.

Respectfully submitted,
GRANT PARKS
California State Auditor"

