

August 17, 2026

Eric Berg
Deputy Chief, Health and Research and Standards
Cal/OSHA / Division of Occupational Safety and Health
1515 Clay Street
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Submitted electronically: rs@dir.ca.gov

RE: REVISED DRAFT | PROPOSED WORKPLACE VIOLENCE PREVENTION STANDARD FOR GENERAL INDUSTRY

Dear Deputy Chief Berg:

The California Chamber of Commerce and the undersigned organizations submit this letter to comment on the July 22nd proposed revision (the “July 22nd Revision”) to the proposed workplace violence prevention standard for general industry, Section 6401.9 (generally, the “Standard”). This letter is intended to comment only on the new changes contained in the July 22nd Revision, and not to reiterate our prior outstanding comments submitted in our four prior comment letters, dated April 23rd, 2026, November 10th, 2025, September 3rd, 2024, and July 14th, 2025 (collectively the “Prior Letters”).

Briefly, a selection of those concerns that remain outstanding include:

- Clarity and feasibility for compliance of covered businesses, including small businesses.
- Inclusion of “staffing” as a workplace violence hazard and as a control strategy.
- Clarifying trauma counseling obligations.
- Ensuring that interactive training obligations are feasible for covered businesses, including small businesses.

We continue to advocate for the outstanding concerns raised in the Prior Letters but recognize the focus of this 45-day change notice is limited to the July 22nd Revision.

Notably, the California Chamber of Commerce and other coalition groups were heavily involved in the negotiations and discussions around Senate Bill 553 (Cortese) (“SB 553”), passed in 2023, codified into Labor Code Section 3343, and appreciate the opportunity to share our comments on this important issue as that legislation is carried forward into a potentially revised Proposed Standard.

Comments Regarding the April 23, 2026, Proposed Revision

1) “Threat of violence” definition change (3343(b)(7))

While we agree with the goal of consistency with existing law where appropriate – in order to minimize re-training and unnecessary workload for businesses which have invested time and money to prepare their existing workplace safety practices and train employees – we do think the point made in the “Exception” is important for employers. For that reason, we do not support the removal of this common-sense language from the Standard, as reflected in the July 22nd Revision. We look forward to this clarification being added to a future guidance document, to clarify the proper scope of an employer’s obligations under the Standard.

2) Staffing levels change (3343(b)(9))

Though we continue to be concerned with staffing levels being listed as workplace violence hazard and workplace violence control in the Standard, we do appreciate this adjustment because we did not view the prior language (“to maintain order” and “respond ... in a timely manner”) as adding any clarity to the interpretation of “appropriate staffing levels” as a workplace violence control.

3) “Uncontrolled Access” change (3343(b)(10)(G))

Though we continue to have concerns about the underlying merit of listing “uncontrolled access” as a potential hazard because it is an unavoidable part of business across a vast majority of sectors – including retail and many consumer services – we nevertheless understand that the merits of this category are not within the scope of this comment period.

In addition, we view the shift of “uncontrolled public access” from a workplace violence hazard associated with “frequent or regular contact with the public” to its own factor as potentially non-substantive, but as also potentially improving the clarity of the factors. For that reason, we do not oppose this change.

4) Removal of “Stalking” as a Workplace Violence Hazard (3343(b)(10)(K))

We are glad to see the term “stalking” removed from the Standard, as we believe the term only introduced ambiguity for employers. As noted in our Prior Letters, stalking is a term defined in criminal law – which neither employers’ safety managers nor Cal/OSHA inspectors are experts in – with a relatively broad and vague definition, but a very high standard of proof to prove. In other words, its inclusion would introduce a vague term that could exceed the boundaries of defined “workplace violence.” As noted in the accompanying staff comment, we would agree that stalking might be an example of a form of workplace violence, but we do not think that incorporating criminal law terms (like “stalking”) in the Standard will add clarity to employers’ obligations or improve workplace safety. Instead, we are concerned that its inclusion would force employers and Cal/OSHA personnel to guess what constitutes criminal conduct, which is outside of their expertise and jurisdiction.

5) Additional system to appeal above a supervisor where a supervisor “has not adequately addressed the hazard” (3343(c)(6)(A)(2))

We are concerned that this new language is adding ambiguity to employers’ obligations and is unnecessary. The new language creates an apparent right of appeal for employees who believe that their report of a workplace violence incident or hazard was not “adequately” addressed. We are concerned about this for multiple reasons:

- (A) The employer is already required to have an “effective” procedure to communicate with employees, including an effective method for employees to report concerns without fear of reprisal, and an effective method of reviewing and responding to such concerns. Any policy which does not actually result in a substantive review, and an appropriate investigation of the concern would not be effective and would therefore already fail under the existing language ... making the new language unnecessary at best.
- (B) Who determines that a concern has not been “adequately addressed”? Prior to the July 22nd Revision, the text was clear that a Cal/OSHA inspector would ensure that the employer had in place effective procedures to receive, review, and address concerns

about workplace violence hazards. The employees' role was to report the concerns. However, under the proposed change, who would determine when a concern was "not adequately addressed," and therefore a right to appeal above the direct supervisor was now available? It appears implicit in the language the complaining worker would be the only individual who could assert that their concerns were not adequately addressed ... but the complaining worker is not a workplace safety expert. Therefore, giving them the right to effectively insist on appeals above their supervisor (or to assert that a business had failed to comply with the Standard because they were not allowed to go over their supervisor and re-raise their concerns) seems unnecessary in substance, and burdensome for supervisors. We are also unaware of any other regulations or situations where a law or regulation creates a right of a worker to appeal over their supervisor because they disagree with the company's workplace safety experts.

- (C) We are also confused because the language presumes that the direct supervisor is the proper person for an appeal related to workplace safety – but the direct supervisor may not be the responsible person for handling workplace safety concerns. For example: if a company designates a workplace safety expert to receive workplace safety concerns – who is not in the employee's normal chain of command – then this new language does not make sense, because their supervisor is not necessarily in charge of addressing the hazard. For that reason, the language seems to be incomplete.

For these reasons, we do not believe this change is necessary given present language, or helpful in any functional way. As a result, we would ask that it be removed.

6) Addition of "to the extent feasible" to engineering control obligations (3343(c)(10)(A))

Because California's employers must operate in the real world and with real constraints, we appreciate the addition of the language "to the extent feasible" to employers' obligations to utilize engineering controls to reduce workplace violence hazards in the workplace. Notably, we would prefer that this language be changed to "to the extent practicable" - but we appreciate this change as is.

7) Appreciate change to reference the EAP as meeting trauma counseling obligations (3343(c)(11)(C))

Though we continue to have concerns about the breadth and vagueness of the obligation to provide trauma counseling to "affected" employees, we believe this amendment is helpful to clarify employers' obligations.

8) One business day response time is out of step with other similar regulations, and unworkable for small businesses (3343(e)(1)(F))

We also remain concerned that the response time for questions related to training is so brief (one business day) that remote training will be functionally infeasible. Remote or online training is a critical measure for employers who cannot afford the legal expertise necessary to provide training in-house. However, in order for outside companies to be able to offer remote training, it must be feasible for those outside providers to comply with the Standard. As presently written, we are concerned that this extremely tight timeline gives very little time for an outside provider to generate responses – let alone consult with the purchasing small business to determine the correct answer for that workplace. In simple terms, we see a one business day timeline as too short.

We would request a timeline similar to other labor law trainings, such as sexual harassment training, for which regulations require responses within a reasonable period of time, but no later than two business days. (See 2 CCR 1102(a)(2)(B) “. . . An e-learning training shall provide a link or directions on how to contact a trainer who shall be available to answer questions and to provide guidance and assistance about the training within a reasonable period of time after the employee asks the question, but no more than two business days after the question is asked. . . .”)(emphasis added).

9) Security and privacy concerns with existing recordkeeping language (3343(f)(4)/(7))

We remain concerned that the existing recordkeeping language creates both privacy and safety concerns and needs to be adjusted prior to any passage of the Regulation.

- a) To address safety concerns: Specifically, the present language seems to require that any employee may request documents related to not just their own workplace violence incidents – but can request the “employer evaluation of reports” and “corrective actions taken” related to workplace safety concerns. In other words: any employee is implicitly entitled to revisions to an employers’ workplace safety practices... but that very publication may endanger more workers. For example: an employer’s plan in response to an on-site shooter may be to add security cameras and a silent alarm triggered by these new cameras. Informing all employees that this is how a risk will be identified by management may enable a prospective shooter to avoid this very system.

Though this interpretation seems far-fetched, it also seems obligated by the language of subsection (f)(7), which requires that “all records required by [prior subsections] shall be made available to employees and their designated representatives, upon request and without cost ...” Notably, the only provision for redaction is limited to “personal identifying information” – and would not exclude safety-based redactions.

To address this concern, we would request one of the following options: (1) another advisory committee to draft a workable, safety-based exemption to the employer’s obligations of document production; (2) a change to (f)(7) as follows:

(7) All records required by subsections (f)(1), (f)(2), and (f)(3), ~~and (f)(4)~~ shall be made available”

- b) To address privacy concerns: Just as any employee is able to request any employer safety preparation, as discussed above, the present language also enables any employee to request information about others’ complaints and the responses to them. Even with redactions related to an employee’s name, we remain concerned that this will put complaining employees at risk, as they may be identified by the contents of the report even if their name is redacted.

To address this concern, we would again suggest either a detailed advisory committee discussion of this issue, or language to limit the employee’s ability to request information to the employee or their designated representative.

Conclusion:

We appreciate the opportunity to provide our comments on this important regulation.

Sincerely,



Robert Moutrie
Vice President for Advocacy
California Chamber of Commerce
on behalf of

African American Farmers of California, Shirley Rowe
Associated Roofing Contractors of the Bay Area Counties, Steve Johnson
California Agricultural Aircraft Association, Terry Gage
California Association of Sheet Metal and Air Conditioning Contractors National Association,
Chris Walker
California Association of Winegrape Growers, Michael Miller
California Attractions and Parks Association, Sabrina Demayo Lockhart
California Chamber of Commerce, Robert Moutrie
California Citrus Mutual, Jacob Villagomez
California Construction and Industrial Materials Association (CALCIMA), Charley Rea
California Cotton Ginners & Growers Association, Roger Isom
California Farm Bureau, Bryan Little
California Framing Contractors Association, Kevin Bland
California Grocers Association, Rachael O'Brien
California League of Food Producers, Benjamin Ebbink
California Restaurant Association, Matt Sutton
California Trucking Association, Nick Chiappe
Construction Employers' Association
Dairy Institute, Katie Davey
Fresno County Farm Bureau, Ryan Jacobsen
Housing Contractors of California, Bruce Wick
Nisei Farmers League, Manuel Cunha, Jr.
PCI West – a chapter of the Precast/Prestressed Concrete Institute, Dan Leacox
Residential Contractors Association, Kevin Bland
Southern California Contractors Association, Todd Bloomstine
United Contractors, Gus Flores
Western Electrical Contractors Association (WECA), Rex Hime
Western Growers Association, Matthew Allen
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