



August 17, 2026

Eric Berg

Deputy Chief, Health and Research and Standards

Cal/OSHA / Division of Occupational Safety and Health

1515 Clay Street Suite 1901

Oakland, CA 94612

Via Email to: rs@dir.ca.gov

RE: Proposed Regulations for Implementation of Workplace Violence Prevention Under Senate Bill 553 (Cortese, 2023) – July 22, 2026, Working Draft

Dear Deputy Chief Berg,

The California State Association of Counties (CSAC), Association of California School Administrators (ACSA), and California Special Districts Association (CSDA) appreciate the opportunity to provide input on the draft proposed regulations well before they are considered by the Occupational Safety and Health Standards Board (OSHSB). We extend our thanks to the staff and leadership for your efforts to make the process inclusive and transparent.

Local government agencies and local educational agencies value our workforce and take our responsibilities to protect their health and safety as an imperative duty. Due to several concerns, including the expansion of temporary restraining order (TRO) filing authority and administrative burdens that cannot be recouped through cost recovery, local governments opposed Senate Bill 553 (Cortese, 2023). Our deliberation of SB 553 yielded some changes from the original version, some of which were absolutely critical. Ensuring that some of these provisions do not return in the proposed regulations, and that the proposed regulations are workable within public agency operational requirements, remain priorities for us.

Local governments and schools have a duty to provide essential public services, and our workforce must conduct their work in a variety of environments, some of which have increased risk compared to others due to the nature of our work. Local governments and schools already work constantly to mitigate those hazards and take actions necessary to keep our workforce safe. We have general concerns about policies that raise legal risks for local governments that are simply trying to provide essential public services particularly if those policies conflict with other laws or best practices that require public access to facilities or with the core functions of public agencies. These concerns are heightened by an environment in which we face budget crises at the state and local level, limitations in our ability to raise revenue needed to meet heightened service delivery expectations, and crushing legal liabilities brought by recently enacted legislation, leading to fiscal pressures of both legal expenses and insurance costs.

With those thoughts in mind, we share the following comments on the version of the proposed regulations dated July 22, 2026. We look forward to future opportunities to share our

perspective on these regulations throughout this year and during formal rulemaking.

Comments regarding new changes to proposed regulations

§3343(a) – Employer-provided transportation

We appreciate the revision to clarify the scope and application for employer-provided transportation only applies for transportation “...under the employer’s control.” This is a helpful clarification to ensure that employers are not subject to requirements of these regulations due to incidents during a commute for which they have no control, e.g. a road rage incident or violent incident on public transportation. However, employer-provided transportation is not referenced in SB 553, and some provisions of the proposed regulation simply do not make sense in the context of transportation.

§3343(b)(7) – Texts and social media threats

We respectfully disagree with the decision to remove the clarification that employers are not responsible for texts, electronic messages, or personal social media that employers could not reasonably be aware of. Although the explanatory note states that this change is made to align with a statutory definition, we do not believe that the deletion of the exception is appropriate or necessary, particularly since the explanatory note anticipates clarification from guidance.

Regulations are necessary to implement, interpret, and specify statutes. The exception language was critical to making the requirements of statute specific and implementable for employers. While we acknowledge and appreciate the willingness of Cal/OSHA to include the exception in future guidance, we understand that guidance alone that is not affirmed by regulator language is not effective and could be challenged as underground regulations.

While it is deeply unfortunate that public officials face threats of violence online, we have concerns that, without the exception language, local government employees could be required to log any threat made online to local officials representing the city, county, special district, or school for which they are employed, including those for which they have no reasonable basis to be aware. We urge Cal/OSHA to re-insert the exception language.

§3343(b)(9)(A) – Appropriate staffing levels

We appreciate the proposed change, which defers to an employer’s workplace violence hazard assessment to determine appropriate staffing levels, rather than a vague standard of levels appropriate to “...maintain order in the facility and respond to workplace violence incidents in a timely manner.” Given the unique work done by many public employees, we appreciate regulations that defer to the unique forms of employment or circumstances of a workplace. However, we continue to have concerns with staffing levels being defined as a work practice control, as well as other references to inadequate staffing and security staffing, as stated in our previous comments on the April 23, 2026, draft.

§3343(b)(10)(G) – Separate terms for frequent contact with the public and uncontrolled public access

This change is a helpful clarifying amendment that considers that, while the terms often overlap, there are many circumstances where they do not. However, public employers, by definition, have facilities with a high degree of public contact, or public access, depending on the agency and facility. These provisions could classify these basic operational realities of public sector work as inherently “workplace hazards,” presenting unreasonable compliance difficulties for public employers.

§3343(c)(6)(A) – Reporting to designated person

We are concerned that the new language will invite disputes regarding a vague standard for what is “adequate” in addressing a hazard. The change would allow for employees who may lack knowledge of a situation or expertise in the laws and regulations required for workplace violence prevention to make judgements about what is and is not an adequate response to a hazard.

§3343(c)(10) – Addressing workplace hazards “to the extent feasible”

We appreciate this addition, which acknowledges the realities many public employers face. While we take our role to investigate, report, and mitigate workplace violence threats seriously, the nature of public service may often involve inherent hazards that cannot always be feasibly mitigated in full.

§3343(c)(11)(C)

We appreciate the clarification that employee assistance programs (commonly referred to as “EAP” programs) satisfy the requirements for employers to offer counseling to employees affected by an incident. However, trauma counseling was included in earlier versions of SB 553 but was removed and not included in the chaptered version of the bill. To the extent a workplace violence incident gives rise to a claim covered by workers’ compensation, the workers’ compensation system is already adequate to provide appropriate treatment. Therefore §3343(c)(11)(C) should be struck from the draft regulation.

Further, the April 23, 2026, draft’s deletion of “upon request” raises administrative and implementation concerns. Given the broad scope of the regulation, and the fact that trauma counseling is not required by the statute, a requirement to affirmatively offer trauma counseling is excessive, may not be appropriate in all instances, and raises the potential for disputes and litigation over whether the offer was made.

Remaining concerns

§3343(a)(1) – Number of employees at a work site

Exception 6 would apply to places of employment not accessible to the public if the employer has fewer than 10

employees at the place of employment at all times during the preceding 365 days and is in compliance with section 3203. We continue to have concerns with this language, as it adds additional qualifications not found in statute, which simply measures 10 employees “at any given time.” This exception is important for public agencies that maintain small places of employment, and should be aligned with statute. Further, the note referring to total employees on payroll is vague as to how and where it is measured, potentially opening up a vastly different calculation – the note diminishes clarity and should be struck.

Additional language notes that the exception does not apply to “security services,” among others. In our comments on the May 13, 2025, and April 23, 2026, drafts we requested additional clarity to define the meaning of security services for this purpose, as some local agencies and local educational agencies have in-house security. We reiterate that request here in connection with the July 22, 2026, draft.

§3343(b)(4)(J) and (K) – Conflict with pending legislation

We previously addressed comments to the addition of “visibility improvements,” to the list of engineering controls (§3343(b)(4)(J)). We would like to note that the legislature is presently considering a package of bills which may have the direct or indirect effect of limiting or restricting the use of workplace technologies that enhance the safety of public

sector places of employment, including certain Artificial Intelligence and Automated Decision Systems, as well as certain workplace surveillance tools.¹ We are greatly concerned that, if enacted, this legislation could inhibit the use of tools to prevent workplace violence incidents and slow down response times for all types of violence under the Standard, but particularly Type 3 violence—and contradict the requirements of this definition. These concerns also extend to video monitoring and recording included at 3343(b)(4)(K), as well as other areas where technology could enhance employee safety and compliance with the regulation (e.g., §3343(b)(4)(A), (B), and (L)).

Employers will be stuck in the middle of conflicting goals in statute and regulation. We would urge the Division to take note of, and consider engagement in, that legislative conversation. If

¹ AB 1331 (Elhawary) would place restrictions on workplace surveillance tools generally and specifically provides that a workplace surveillance tool in an employee-only breakroom or cafeteria shall not use generative artificial intelligence enabled video surveillance. See also AB 1883 (Bryan), which seeks to place restrictions on workplace surveillance technologies; and SB 947 (McNerney), which would limit the use of AI and automated decision systems to discipline or terminate employees.

these bills pass as written, the Division would need to consider how the regulations could accommodate legislation that restricts our ability to prevent workplace violence.

§3343(c)(6), §3343(f)(4), and §3343(f)(7) – Concerns with addition of authorized employee representatives and designated representatives to those who are informed about investigations

We continue to have concerns with the addition of “authorized employee representative,” to §3343(c)(6). Unlike statute, the proposed regulations would require employers to inform employee representatives, in addition to employees, about the results of workplace violence investigations. We believe this addition goes outside of the scope of the law and have concerns that it could challenge the ability for employers to maintain confidentiality in reporting on workplace violence investigations.

Further, we are concerned by the addition “designated representative” to §3343(f)(4), and §3343(f)(7). This term does not appear in statute and is defined to be broader than “authorized employee representative,” potentially exposing sensitive information to third parties.

We believe this concern is best addressed by striking the addition of reporting results of investigations and corrective actions to an “authorized employee representative” from §3343(c)(6)(B) and the requirement to provide information to “designated representatives,” in §3343(f)(4) and §3343(f)(7). Employee representatives are already well engaged in the process to update the plans to reflect new or growing threats to workplace safety and incident logs are available for review to meet this purpose.

With these requested edits, the “designated representative” definition in §3343(b)(2) would not serve a purpose and should be struck.

§3343(c)(9) – Changes needed to limit liability to public employers who are not aware of a hazard

Section 6401.9(c)(2)(I) requires employers to include in their workplace violence prevention plan procedures to, among other things, inspect workplace violence hazards whenever the employer is “made aware,” of a new or previously unrecognized hazard. The proposed regulations in §3343(c)(9) lack any similar language that would require an employer to have been aware of a new hazard and, instead, requires inspections when changes to the place of employment or job duties create new workplace violence hazards **and** whenever the employer is made aware of a new or previously unrecognized hazard.

Without the critical language that employers must be “made aware,” of a new hazard, we worry that this section sets public employers up for failure to be aware of unknown hazards.

§3343(c)(11) – Exception

Further, the April 23, 2026, draft deleted the exception to §3343(c)(11)(D)-(G) for type 2

workplace violent incidents that are repetitive, subject to certain requirements. This exception should remain in place as it is relevant in education settings, particularly for students in special education where a student may manifest a disability in verbal or physical ways. In these instances, relief from certain aspects of the regulation is appropriate. We therefore request restoration of the exception without the “involuntary” and “unintentional” qualifiers which undermined the purpose of the prior exception.

§3343(e)(1)(F) – Format for required training

A previous draft required, in connection with training, that there be an opportunity for interactive questions and answers with a person knowledgeable about the employer's workplace violence prevention plan. The draft regulations require that training not given in person shall provide for interactive questions to be answered within one business day by a person knowledgeable about the employer's workplace violence prevention plan. Smaller agencies and

departments may struggle to comply with such a short turnaround time. SB 553 is silent on timeframes for response, and requiring an arbitrary timeframe in this regulation does not account for the variety and complexity of questions that may be received. We request that the timeframe be struck, consistent with statute, or be limited to a “timely” response.

§3343(f)(7) – Personally identifying information

We appreciate the April 23, 2026, draft's addition of permission for the employer to redact information that may reveal personal identifying information from the records to be made available under §3343(f)(7). However, we request that the exception for training records be struck. Protecting the full scope of PII from disclosure under §3343(f)(7) protects the privacy of employees.

Thank you again for the opportunity to provide comments on the draft proposed regulations. We appreciate the efforts of Cal/OSHA and its staff to solicit the input of impacted employers and hope that our comments help shape regulations that ensure our workers are safe without exposing public agencies to unnecessary administrative burdens or legal risk.

Sincerely,



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A handwritten signature in black ink that reads "Dorothy Johnson". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

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